

Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	4.30 pm on Tuesday, 13 March 2018
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Council is aware that planning applications may be controversial and emotive for those affected by the decisions made by this Committee. However all persons present are reminded that the Council will not tolerate abusive or aggressive behaviour towards staff or other visitors attending this meeting and anyone behaving inappropriately will be required to leave the meeting and the building.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

#### **AGENDA**

<b>Item</b>		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>		
<b>2. DECLARATION OF INTERESTS</b>		
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>3. MINUTES</b>		
	To confirm and sign the minutes of the meeting held on 13 February 2018	<b>3 - 10</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>		
	Report of the Head of Planning and Infrastructure.	<b>11 - 14</b>

## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
<b>A1</b>	<b>17/01556/REMM: Erection of 71 dwellings, internal access roads, landscaping, open space and woodland planting (Reserved Matters to Outline Planning Permission Reference APP/G2435/W/15/3137258)</b>  Land At Butt Lane Blackfordby Derby	<b>PERMIT</b>	<b>15 - 30</b>
<b>A2</b>	<b>17/01593/FUL: Residential development including retention of existing dwelling and erection of seven new dwellings including access and parking arrangements</b>  81 & 81A North Street Whitwick Coalville Leicestershire LE67 5HB	<b>PERMIT</b>	<b>31 - 44</b>
<b>A3</b>	<b>17/01608/FUL: Conversion and extension of outbuilding and garage into five residential units for holiday accommodation</b>  Breedon Hall Main Street Breedon On The Hill Derby DE73 8AN	<b>PERMIT</b>	<b>45 - 54</b>
<b>A4</b>	<b>17/01580/LBC: Conversion and extension of outbuilding and garage block into five residential units for holiday accommodation</b>  Breedon Hall Main Street Breedon On The Hill Derby DE73 8AN	<b>PERMIT</b>	<b>55 - 62</b>
<b>A5</b>	<b>17/01053/FUL: Demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure (sizes and design of dwellings amended from previous approval 15/01005/FUL)</b>  Land At Queens Street Measham Derby	<b>PERMIT</b>	<b>63 - 70</b>

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 13 February 2018

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, P Purver, V Richichi, N Smith (Substitute for Councillor R Boam), M Specht and M B Wyatt

In Attendance: Councillors R D Bayliss, T J Pendleton and S Sheahan

Officers: Mr C Elston, Mrs H Exley, Mrs C Hammond, Mr J Knightley, Mr J Mattley, Mr J Newton and Miss S Odedra

## **65. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R Boam.

## **66. DECLARATION OF INTERESTS**

In accordance with the Code of Conduct, Members declared the following interests:

Councillor R Adams declared a non-pecuniary interest in item A1, application number 17/01326/REMM, as he had campaigned in the past over development on the site but had come to the meeting with an open mind.

Councillor R Johnson declared a non-pecuniary interest in items A2, application number 17/00320/REMM and A5, application number 17/01098/FUL, as a member of Hugglescote and Donington le Heath Parish Council.

Councillor J Legrys declared a non-pecuniary interest in item A5, application number 17/01098/FUL, as he lived 400-500 metres from the site but had come to the meeting with an open mind.

Councillor P Purver declared a non-pecuniary interest in item A1, application number 17/01326/REMM, as her mother lived in the vicinity of the development.

Members declared that they had been lobbied without influence in respect of various applications below.

Item A1, application number 17/01326/REMM

Councillors R Adams, R Canny, J Cotterill, D Everitt, R Johnson, J Legrys, P Purver, N Smith, M Specht and M B Wyatt

Item A2, application number 17/00320/REMM

Councillor J Legrys

Item A3, application number 17/01174/FULM

Councillor J Legrys

Item A4, application number 17/00921/FUL

Councillor J Legrys

Item A5, application number 17/01098/FUL

Councillor R Adams

**67. MINUTES**

Consideration was given to the minutes of the meeting held on 9 January 2018.

It was moved by Councillor J G Coxon, seconded by Councillor J Houlton and

RESOLVED THAT:

The minutes of the meeting held on 9 January 2018 be approved and signed by the Chairman as a correct.

**68. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

**69. A1**

**17/01326/REMM: ERECTION OF 166 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE, INFRASTRUCTURE AND NATIONAL FOREST PLANTING (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REFERENCE NUMBER 17/00423/VCUM)**

Land Off Greenhill Road Coalville Leicestershire

Officer's Recommendation: PERMIT subject to S106 Agreement

The Principal Planning Officer presented the report to Members.

Miss J Tebbatt, objector on behalf of the residents, addressed the Committee. She thanked the developer for the information changes received since the last meeting however the recreational activities in the water retention area and the road close to the existing properties were still not satisfactory. She highlighted that policy D1 and D2 were there to protect the existing residents and requested that the road that was showing on the new plan be removed and retained as green space to protect the existing residents from noise, dust and pollution created by vehicles using the road. She asked that the southwest drainage area be used for just that and that no recreational activities take place and that residents expected the layout on the approved plan to be forthcoming. She highlighted that the recreational use would cause noise and disturbance to the existing residents and pose a health and safety risk as a result of potential vandalism of the flood controls, adding that it would produce an activity zone that in its own rights had to meet certain requirements. She informed the Committee that dual use areas must be addressed and consulted on early in the process and be addressed on a site by site basis. She asked that a buffer zone around the area be 10m not 8m and/or a no ball or equipment use imposed and that councillors help to impose a common sense approach to the application.

Ms A Gilliver, applicant, addressed the Committee. She advised Members that the developer had addressed the number of issues that had been raised at the last meeting and reminded them that the principle of development had already been established and highlighted the following:-

- The existing drystone boundary wall would be retained and it was proposed that a green living screen be put in place along with landscaping and a 1.2m high post and rail fence.
- The drainage features have been designed in accordance with the approved FRA including all the discharged rates and including all provisions. The finer details were to be submitted for consultation with the relevant statutory consultee in respect of a required discharge of condition submission and as such no development could take place until approval given.

- A local stonemason had advised the internal stonewalls could not be built as they currently were, but with a solid core, they could be built to look very similar.
- It was proposed to reduce the ground level near to the existing properties by 500mm above neighbouring land.
- The western parcel of land would be two fold, firstly to ensure the correct drainage on the site and secondly an attractive open space. The previous viewing platform would be removed from the plan and replaced with soft landscaping.

She urged the Committee to support a now acceptable, sustainable and deliverable application.

The officer's recommendation was moved by Councillor D Harrison and seconded by Councillor G Jones.

Councillor M B Wyatt stated that he was still not happy and would not be supporting the officer's recommendation. He advised that he had been trying to find common ground to address the concerns raised by residents and as such some minor changes had been made but some of the genuine issues had not been addressed. He also confirmed that he had prepared the statement he was reading from while the speakers were addressing the Committee.

Councillor J Legrys stated that he had deep concerns over the revised proposals. He sought clarification of the use of the word perpetuity in the report in relation to the use of a maintenance company should the County Highways not adopt the roads, and the roads being managed by the private company. He stated that there were a number of interpretations of the use of the word. He highlighted that there was substantial land around the country that was open to the public in perpetuity and managed by private companies and when they went bust the agreements ran into dust.

The Legal Advisor advised Members that the position was that LCC would not be adopting the roads and that a private company would be maintaining the road which would be secured by a section 106, therefore should the private company fold it would be up to the land owner to ensure the maintenance was carried out as it would be a registered charge which ran with the land.

Councillor J Legrys asked that in the event of both the developer and maintenance company wishing to no longer maintain the estate, where would it leave the residents. He expressed concerns that the authority would have to continue to collect the waste and if the road was not adopted the Council may not do so on unmaintained roads. He stated that residents would have to take their waste to the nearest suitable collection point on adopted roads. He felt that the Committee was being asked to make a decision on the word perpetuity, and as he had not received a definitive answer to his question was unable to support the application.

Councillor R Adams stated that he had raised his concerns at the last meeting and having listened to all parties nothing that had been said had addressed the concerns and therefore had not changed his mind.

In response to questions from Councillor R Canny, officers advised and pointed out the location of both the existing and proposed houses and that a balancing pond and green area were planned for the south west corner of the site.

In response to a question from Councillor D Everitt about the existing and proposed drystone walling, the Principal Planning Officer advised Members that the boundary walls would remain and the external walls would be rebuilt.

Councillor D Everitt expressed sadness that the heritage of the walls could not remain.

Councillor M B Wyatt requested a recorded vote.

<b>Permit in accordance with officer's recommendation (Motion)</b>	
A recorded vote having been requested, the voting was as follows:	
Councillor Ron Adams	Against
Councillor John Bridges	For
Councillor Rachel Canny	For
Councillor John Cotterill	For
Councillor John Coxon	For
Councillor David Everitt	Against
Councillor Dan Harrison	For
Councillor Jim Hault	For
Councillor Russell Johnson	Against
Councillor Geraint Jones	For
Councillor John Legrys	Against
Councillor Paula Purver	Against
Councillor Virge Richichi	Against
Councillor Nigel Smith	For
Councillor Michael Specht	For
Councillor David Stevenson	For
Councillor Michael Wyatt	Against
<b>Carried</b>	

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure.

- 70. A2**  
**17/00320/REMM: ERECTION OF 213 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION 16/01187/VCIM)**  
 Land At Grange Road Hugglescote Leicestershire

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

Councillor S Palmer, on behalf of Hugglescote and Donington le Heath Parish Council, addressed the Committee. He stated that the development formed part of the local plan but was a missed opportunity as the site would only have 7.5% affordable housing as it would not be made up elsewhere. He expressed concerns over the lack of smaller sized dwellings and greenspace on the site, and that there was a lack of ability to walk and cycle anywhere, highlighting safety concerns with walking children to school, with lack of street lighting being the biggest concern. He stated that the proposed estate was ideally situated for those working at the Bardon industrial estate but again the only way to get to work would be to drive as there was a lack of public transport. He advised that the application went against the NPPF and Local Plan for those reasons, suggesting to Members that it appeared that they would be going against an excellent Local Plan.

Mr P Waterfield, agent, addressed the Committee. He stated that the high quality scheme that was before them would be the opportunity to help start the Coalville South East urban extension and would set the standard for other developers to adhere to. He advised that many comments had been raised over the lack of open space, the lack of open market bungalows and not providing suitable footpaths. He informed Members that amendments

to address the concerns had been made, including the timing and delivery of the green space, bungalows, and footpath along Grange Road. He urged Members to support the application.

The officer's recommendation was moved by Councillor J G Coxon and seconded by Councillor D Harrison.

Councillor R Johnson stated that he had called the application in due to fear that the road was dangerous and that he had worked closely with officers on the application raising concerns over the footpath and street lights. He noted that LCC Highways had addressed the footpath but sought clarity on the street lights being installed. He expressed concerns over the mix of housing on the site and that there was only 7.5% affordable dwellings all clumped together and that there were only 2 bungalows when policy H6 stated that bungalows were needed. He stated that there were many things he did not agree with and that the application was all over the place. He expressed concerns that the report talked about the wider context of the site, not the 200 before them that would activate the trigger points in the viability assessment. He could not support that application in its present form with a lack of affordable mix and highways safety concerns.

Councillor M Specht stated that he took on board Councillor R Johnson's concerns over street lighting but stated that it did not matter if roads were well lit or not, there would always be accidents.

Councillor J Bridges asked if condition 17 would be going back to LCC for consultation.

The Principal Planning Officer advised Members that on the Grange Road footpaths that no development would start until such time the work and materials had been agreed.

Councillor J Legrys stated that the district needed the housing and the development had been part of plans since early 2000s but yet there was still no punch through road, and he was concerned over the withdrawal of the cycleways. He stated that he was saddened over the lack of affordable housing on the site. He felt that the houses would not sell as buyers would not buy homes unless there were safe highways and footpaths. He highlighted that when Bardon Road and the A511 backed up with traffic many road users used Grange Road as a cut through and therefore if new residents could not get off the cul-de-sac they would not buy the houses. He added that the district and town needed houses that residents could afford.

Councillor R Johnson requested a recorded vote

<b>Permit in accordance with officer's recommendation (Motion)</b>	
A recorded vote having been requested, the voting was as follows:	
Councillor Ron Adams	Against
Councillor John Bridges	For
Councillor Rachel Canny	For
Councillor John Cotterill	For
Councillor John Coxon	For
Councillor David Everitt	Against
Councillor Dan Harrison	For
Councillor Jim Hout	For
Councillor Russell Johnson	Against
Councillor Geraint Jones	For
Councillor John Legrys	Against
Councillor Paula Purver	For
Councillor Virge Richichi	For
Councillor Nigel Smith	For

Councillor Michael Specht	For
Councillor David Stevenson	For
Councillor Michael Wyatt	Against
<b>Carried</b>	

RESOLVED THAT:

The application be permitted in accordance with the recommendations of the Head of Planning and Infrastructure.

**71. A3**  
**17/01174/FULM: DEMOLITION OF THE EXISTING BUILDING AND THE ERECTION OF 24 AFFORDABLE RESIDENTIAL UNITS**  
 Police Station Ashby Road Coalville Leicestershire LE67 3QG

Officer's Recommendation: PERMIT subject to S106 Agreement

The Principal Planning Officer presented the report to Members.

Councillor R Bayliss, supporter, addressed the Committee. He stated that he was speaking as the Housing Portfolio Holder and that once built the homes would become part of the Council stock, providing 24 affordable homes exactly where they were wanted. He advised that the application before them was an improved plan following consultation with the Urban Designer. He highlighted that the development would remove a redundant building and replace with much needed homes for local people and would add vitality to the centre of Coalville. He informed the committee that the homes would be let to those on the waiting list that wished to live in Coalville.

The officer's recommendation to permit was moved by Councillor J Bridges and seconded by Councillor G Jones.

Councillor M B Wyatt disagreed that the site should be used for affordable housing as the Council ran the risk of creating deprivation in the town centre and that more desirable housing should be encouraged. He stated that he could not support the application.

Councillor J Bridges stated that he could not agree with Councillor M B Wyatt as the report stated that the Urban Designer had been involved in the application from the start and that he had full confidence in both the Urban Designer and planning officer to ensure that the dwellings that will be on the site will be of the highest quality.

Councillor D Everitt stated that he supported the application going forward but regretted that the town did not have a police station.

Councillor G Jones stated that he agreed with Councillor D Everitt and felt the current building was ugly.

Councillor J Legrys stated that there were already a number of empty buildings in the town and the town did not need any more. He highlighted that this was an application for 24 units and that there were some traders that would like more people living in the town centre, and that the application would be driven by the Council. He welcomed the application.

Councillor R Adams stated that he welcomed the application and any increase in stock, but he expressed concerns over the demolition and construction following issues raised during the redevelopment of the former Pick and Shovel.



The Head of Planning and Infrastructure advised Members that a construction traffic management plan was to be provided as a condition of planning permission, and any specific concerns could be raised with officers.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure.

- 72. A4**  
**17/00921/FUL: ERECTION OF TWO FIRST FLOOR AND SINGLE STOREY REAR EXTENSIONS, EXTERNAL STAIRCASE, NEW SHOP FRONT TO ALLOW FOR THE CHANGE OF USE TO RESTAURANT WITH HOT FOOD TAKEAWAY SALES AND AN A2 (FINANCIAL AND PROFESSIONAL SERVICES) USE AND FOUR RESIDENTIAL UNITS ALONG WITH NEW GATES AND RAILINGS TO REAR BOUNDARY**  
 74 High Street Coalville Leicestershire LE67 3EE

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Mr A Funnell, agent, addressed the Committee. He advised Members that the intention was to provide a much needed coffee shop and give a facelift to a neglected building, and that the investment would come from both the applicant and the building owner. He highlighted that the development would bring much needed residential accommodation to the town and the various Council car parks would provide the parking for the visitors, residents and customers. He acknowledged the concerns over parking at the front of the building and would ensure that it was pedestrian use only. He drew Members attention to the comments from LCC Highways which supported the application.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor R Adams.

Councillor J Legrys stated that he had called the application in as there had been sixteen objections to the application and he wanted to give the objectors an opportunity to put forward their concerns. He advised that he was concerned that the opening times of the coffee shop was to be earlier than stated in the report and application, but it was a good use of the building and it would bring much need flats to the town centre, which in turn would increase footfall. He asserted that the area in front of the shop should not be obstructed to not allow parking, as it also serviced the Constitutional Club premises next door, which he frequented.

Councillor R Canny stated that she welcomed the development to renovate a property in a prominent position.

Councillor N Smith stated that it was great to see investment in Coalville as it was an eyesore, and he supported the application.

Councillor J G Coxon stated that he welcomed the application as it would add vibrancy to the town, and that the authority needed to be promoting flats above shops as it was a good way to provide much needed homes. He supported the application.

Councillor R Adams stated that he also welcomed the application but was confused that the objectors had concerns over the restaurant use, which as he felt was much needed in the town centre.

UNANIMOUSLY RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure.

- 73. A5**  
**17/01098/FUL: CHANGE OF USE FROM A1 (RETAIL) USE TO MOT TEST CENTRE (SUI GENERIS USE) INCLUDING FORMATION OF NEW ROLLER SHUTTER DOOR OPENING TO FRONT ELEVATION**  
 2A North Avenue Coalville Leicestershire LE67 3QX

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members. She advised the Committee that if they were minded to permit the application it would be subject to consultation with Hugglescote and Donington le Heath Parish Council and permission would be granted subject to no new relevant planning material considerations being raised.

The officer's recommendation was moved by Councillor G Jones and seconded by Councillor J Hault.

Councillor M Specht stated that he had expressed some concerns whilst on the site visit, but these had now be alleviated and was happy to support the application.

Councillor J Legrys stated that there had been a number of objections and it had been a retail unit which had been well used. He was pleased to see that the applicant wished to create a business in that part of the town but he had concerns over the noise that would be generated from the garage. He stated that Councillor V Richichi had advised that the noise would be kept to a minimum with the use of a pit and that it could only be used for MOTs. He supported the application.

RESOLVED THAT:

The application be permitted in accordance with the officer's recommendation subject to consultation with Hugglescote and Donington le Heath Parish Council and the parish council raising no new, relevant, material planning considerations to indicate that planning permission should be refused.

Councillor M B Wyatt left the meeting at 5.50pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.56 pm

**APPENDIX B**

**Report of the Head of Planning and Infrastructure  
to  
Planning Committee**

**13 March 2018**

**PLANNING & DEVELOPMENT REPORT**

## **PLANNING COMMITTEE FRONT SHEET**

### **1. Background Papers**

For the purposes of Section 100(d) of the Local Government ( Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

### **2. Late Information: Updates**

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

### **3. Expiry of Representation Periods**

In cases where recommendations are headed "Subject to no contrary representations being received by ..... [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Regeneration are material planning considerations and relate to matters not previously raised.

### **4. Reasons for Grant**

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Regeneration.

### **5. Granting permission contrary to Officer Recommendation**

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure

## **6 Refusal contrary to officer recommendation**

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

## **7 Amendments to Motion**

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

## **8 Delegation of wording of Conditions**

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Infrastructure.

## **9. Decisions on Items of the Head of Planning and Infrastructure**

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Erection of 71 dwellings, internal access roads, landscaping,  
open space and woodland planting (Reserved Matters to  
Outline Planning Permission Reference  
APP/G2435/W/15/3137258

Report Item No  
A1

Land At Butt Lane Blackfordby Derby

Application Reference  
17/01556/REMM

Applicant:  
Mr Paul Waterfield

Date Registered:  
6 November 2017  
Consultation Expiry:

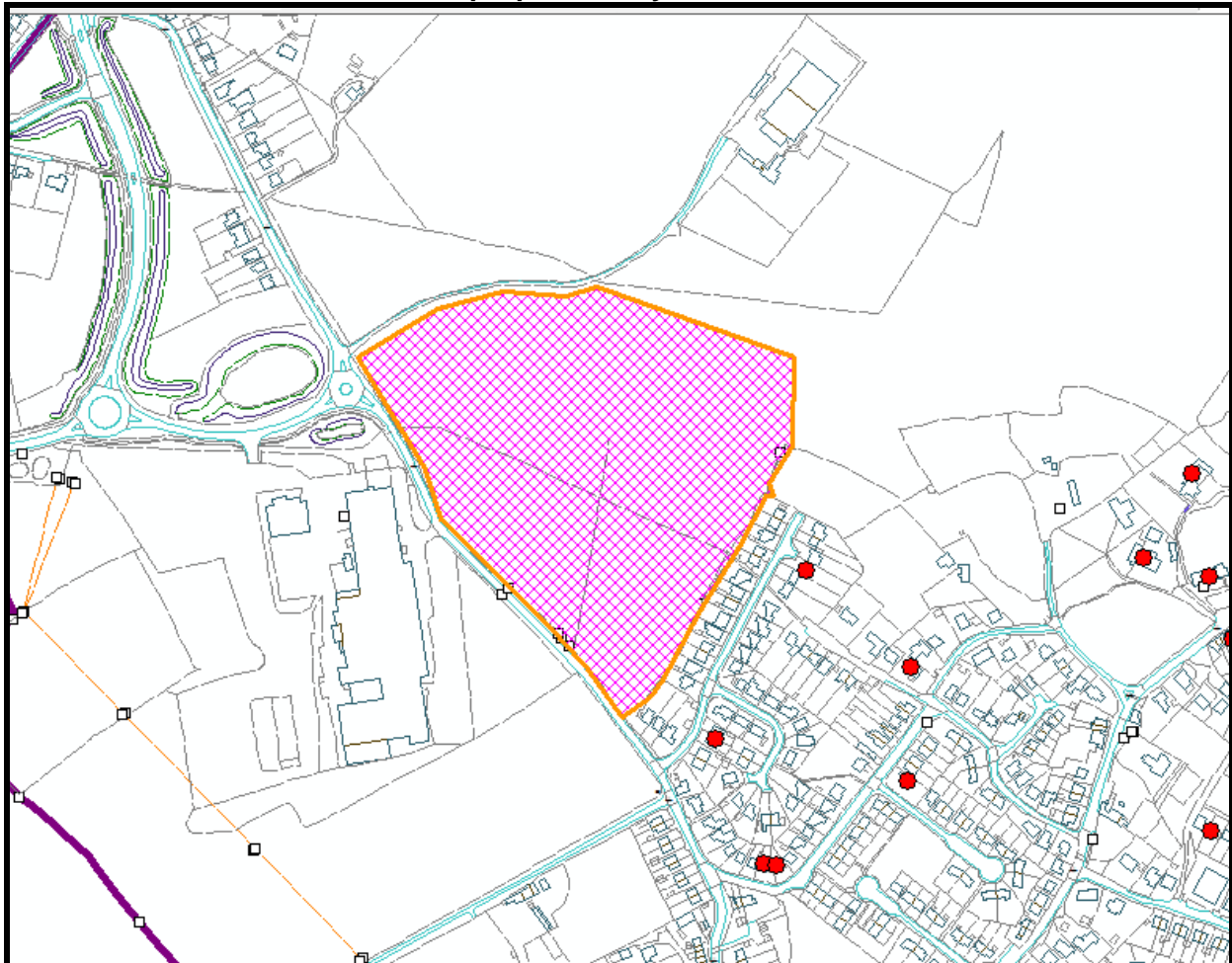
Case Officer:  
Adam Mellor

6 December 2017  
8 Week Date:  
5 February 2018

Recommendation:  
PERMIT

Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Reasons for Approval**

### **Reason for Call In**

The application is called in to Planning Committee by Councillor McKendrick on the basis of highway safety and surface water flooding implications and as a matter of public concern.

### **Proposal**

This is a reserved matters application for the erection of 71 dwellings submitted on the first residential phase of a site with outline planning permission for up to 81 dwellings and associated development originally allowed on appeal.

### **Consultations**

Objections have been received from third parties and Ashby De La Zouch Town Council, but no objections have been received from other statutory consultees.

### **Planning Policy**

The application site is outside the Limits to Development in the adopted North West Leicestershire Local Plan.

### **Conclusion**

The principle of residential development is already established and cannot be reconsidered by this application. The key issues are:

- Access matters not determined at the outline stage;
- Appearance;
- Landscaping;
- Layout; and
- Scale.

The report below looks at these details, and Officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD.

### **RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**



## MAIN REPORT

### 1. Proposals and Background

This is a reserved matters application relating to the redevelopment of the site for 71 dwellings, internal access roads, landscaping, open space and woodland planting at land at Butt Lane, Blackfordby. An application for outline planning permission with access (ref: 15/00083/OUTM) was refused on the 3rd July 2015 but subsequently allowed at appeal on the 7th December 2016 (appeal ref: APP/G2435/W/15/3137258), subject to a Section 106 agreement which secured contributions towards affordable housing, play and open space, the River Mease SAC, the provision of National Forest planting, a library contribution, travel pack contribution, bus pass contribution, bus stop improvements scheme, bus stop works contribution, construction traffic scheme, travel plan, travel plan monitoring fee and education contributions. As a result matters of appearance, scale, landscaping, layout including internal access arrangements are now submitted for consideration.

The application site is located to the north-west of properties on Fenton Avenue, south-west of Blackfordby House and north-east of Wavin Limited.

Following comments received from the Council's Urban Designer the scheme has been amended and revised plans submitted.

It is proposed that the properties would be both two-storey (some with habitable accommodation in the roof slope) and single storey in height with the following open market housing mix being provided:

- 2 x 2 bedroom dwellings (semi-detached);
- 22 x 3 bedroom dwellings (detached and semi-detached);
- 35 x 4 bedroom dwellings (detached);
- 6 x 5 bedroom dwellings (detached);

Along with the following affordable housing mix:

- 4 x 2 bed single storey dwellings;
- 2 x 2 bed two-storey dwellings;

Access into the site would be provided off Butt Lane, as secured under the outline application, with estate roads being provided to serve the relevant plots and their associated off-street parking. Existing landscaping is to be retained to the south-eastern and south-western boundaries with additional soft landscaping being proposed to gardens, public open space areas as well as an area of National Forest planting in the northern area of the site. Hard landscaping would form pedestrian footways, parking areas, patio areas, pathways around dwellings and the highways. It is also proposed that public footpath P11 would be diverted across the site.

#### Relevant Planning History:

A previous outline application for a residential development (up to 81 dwellings), associated open space (incorporating community infrastructure), drainage infrastructure (outline - access included) was refused on the 3rd December 2014 under application reference 14/00460/OUTM.

## 2. Publicity

146 Neighbours have been notified.  
Site Notice displayed 10 November 2017.  
Press Notice published Burton Mail 15 November 2017

## 3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

**Ashby De La Zouch Town Council** objects to the application on the following summarised grounds:

- Conditions imposed on the outline permission have not been met in terms of the information submitted as part of this application (i.e. no surface water drainage strategy, no contamination report).
- The affordable housing contribution does not accord with the adopted Local Plan.
- The proposed housing mix does not comply with the adopted Local Plan.
- There are strong neighbour concerns about the development.

**Coal Authority** has no objections.

**Leicestershire County Council - Ecology** has no objections subject to conditions.

**Leicestershire County Council - Footpaths Officer** has no objections subject to conditions.

**Leicestershire County Council - Highways Authority** have no objections subject to conditions.

**Leicestershire County Council - Lead Local Flood Authority** has no objections subject to conditions.

**National Forest Company** has no objections subject to conditions.

**Natural England** has no objections subject to conditions.

**NWLDC - Environmental Protection** has no objections.

**NWLDC - Affordable Housing Enabler** has no objections.

**NWLDC - Waste Management** has no objections subject to conditions.

**Severn Trent Water** no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

### Third Party Representations

21 representations from third parties have been received objecting to the application with the concerns raised being summarised as follows:

- The affordable housing allocation does not accord with adopted Local Plan.
- The proposed housing mix does not accord with the adopted Local Plan.
- The conditions of the outline permission granted by the Inspector at appeal have not been met by the information submitted in support of the application.
- Work to install services on the site has already commenced.
- The details of the play equipment to be installed has not been provided.
- Where will Section 106 money be directed to?
- The development should be screened from Fenton Avenue.
- Vehicles travel at excess speeds on Butt Lane and a scheme of traffic calming is required.
- Vehicles parking within the highway causes highway safety issues.
- Surface water drainage will exacerbate localised flooding impacts with no improvements to the infrastructure.
- The settlement of Blackfordby is merging with Woodville given the permissions which have been granted.
- It is the intentions of the developer to provide more than 81 dwellings on the site with some plans suggesting a total of 104.
- The public right of way has been rerouted without consent.
- Money from the Section 106 contributions should be directed to Blackfordby school, pre-school and play group and not schools in Moira and contributions should be sought for a new community centre.
- The highway network in Blackfordby cannot cope with the additional demands of this residential development.
- The provision of two-storey houses adjacent to the boundaries with properties on Fenton Avenue will result in detriment to residential amenities given the increased height and orientation of the dwellings.
- Construction vehicles should not park within the highway.

## 4. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 10 (Achieving sustainable development);
- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraph 17 (Core planning principles);
- Paragraphs 32, 34 and 39 (Promoting sustainable transport);
- Paragraphs 47, 49, 50, 54 and 55 (Delivering a wide choice of high quality homes);
- Paragraphs 57, 59, 60, 61 and 64 (Requiring good design);
- Paragraph 75 (Promoting healthy communities);
- Paragraph 100, 101 and 103 (Meeting the challenge of climate change, flooding and coastal change);
- Paragraphs 118, 119, 120, 121 and 123 (Conserving and enhancing the natural environment);
- Paragraphs 129, 131 and 134 (Conserving and enhancing the historic environment);
- Paragraph 143 (Facilitating the sustainable use of minerals); and

Paragraphs 203 and 206 (Planning conditions and obligations).

**Adopted North West Leicestershire Local Plan (2017)**

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
Policy S3 - Countryside;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy IF4 - Transport Infrastructure and New Development;  
Policy IF7 - Parking Provision and New Development;  
Policy En1 - Nature Conservation;  
Policy En2 - River Mease Special Area of Conservation;  
Policy En3 - The National Forest;  
Policy En6 - Land and Air Quality;  
Policy Cc2 - Water - Flood Risk; and  
Policy Cc3 - Water - Sustainable Drainage Systems.

**Other Policies**

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

6Cs Design Guide (Leicestershire County Council).

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

River Mease Water Quality Management Plan - August 2011.

The River Mease Developer Contributions Scheme (DCS).

**5. Assessment**

**Principle of Development**

The principle of development on the site for residential purposes was established by the grant of the outline planning permission, under appeal reference APP/G2435/W/15/3137258, on the 7th December 2016. Under the outline planning permission the access into the site off Butt Lane was established and therefore the reserved matters application seeks to provide a greater level of detail in relation to appearance, scale, layout, landscaping and the internal access roads. Assessment of this application should therefore relate to whether those matters reserved for subsequent approval accord with relevant policies of the adopted Local Plan and NPPF. Issues relating to the principle of the development and associated issues (e.g. the suitability of the site generally for residential development, flooding and the impacts of the development on the wider highway network) are not relevant to this application.

**Appearance, Layout and Scale**

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, as well as the Council's Adopted Good Design for NWLDC SPD, but also Paragraphs 57, 60 and 61 of the NPPF.

In assessing the initial proposals the Council's Urban Designer concluded that the scheme scored well against Building for Life 12 (BfL 12), with no red indicators being raised, and the only areas of concerns relating to the provision of car parking to the frontage of plots 58 - 61 not acting as a barrier in preventing residents from these plots accessing the areas of open space as well as clear demarcations being established between the public and private realms particularly in respect of those areas around the open spaces.

Amendments to the plans have been made to address the concerns raised with the introduction of landscaping and a formal footpath link being provided to the frontage of plots 58 - 61, so as to enable residents an easier access to the informal footpath links through the southern part of the scheme, and timber posts being introduced to the edges of the private drives which lie adjacent to the areas of open space so as to act as a clear definition between the private and public realms whilst not preventing residents of properties on the private drive from easily accessing the areas of open space.

The overall scheme, as submitted, is essentially landscape-led in terms of its design rationale with a strong landscape presence to the northern and southern edges of the site and trees lining the principal routes with a great intensity of tree planting, as well as the retention of an existing 'feature' tree, along the primary road so as to assist in terms of legibility (i.e. by indicating what the main route through the site would be). Given the setting of the development within The National Forest it is considered that an approach to design led by landscaping would be an appropriate means of introducing character into the scheme. The provision of strong frontage boundary treatments on the principal routes, including hedgerows and post and rail fencing, would also serve to reinforce the development's character.

With regards to the appearance and scale of the dwellings themselves it is considered that they would be traditional in appearance and would include design features which the Local Authority would consider desirable when seeking to establish such a design approach (i.e. cills and lintels, chimneys, timber canopies and porches and brick detailing). The position and orientation of the dwellings would also ensure that they address the streetscape and private rear amenity areas would also be of a size which would be commensurate with the footprint of the properties. The Council's Urban Designer has no objections to the design of the dwellings subject to specific conditions which would agree the precise details of the eaves, verges, porches and door surrounds. Whilst acknowledging that the application site lies adjacent to single storey properties the introduction of two-storey dwellings, including those with habitable accommodation in the roof slope, would not be at odds with the overall character and scale of development in Blackfordby as to justify a refusal of the application in this respect.

Subject to a satisfactory resolution on such matters at the discharge of condition stage it is considered that, overall, the proposed development would be a positive addition to the settlement and would integrate into the environment in which it is set. In terms of the external materials a specification schedule has been provided which specifies the bricks, render and roof tiles to be utilised and which is considered to be acceptable. A condition would therefore be imposed requiring these materials to be utilised unless alternative materials are subsequently agreed.

Overall the layout, appearance and scale of the development would be acceptable and would ensure compliance with Policy D1 of the adopted Local Plan, the Council's Adopted Design SPD and Paragraphs 57, 59, 60 and 61 of the NPPF.

### **Neighbours and Future Occupants Amenities**

It is considered that residential properties most immediately impacted on by the development proposals would be nos. 1 to 27 Fenton Avenue (odd numbers inclusive) and no. 52 Butt Lane which are all single storey properties set to the south-east of the site. In terms of topography the lowest land levels are located in the south-eastern corner of the site with the highest levels being towards the north of the site, between the points the increase in levels is around 11.5 metres.

Plots 1 to 15 are the plots which would be located in the south-eastern part of the site, adjacent to the boundaries with the existing residential properties, which are proposed to be two-storey dwellings. The submitted plans indicate that a 5 metre wide drainage easement would be provided between the site boundary and the curtilage boundaries of plots 1 to 3 with a 3 metre wide service verge being provided between the site boundary and the curtilage boundaries of plots 4 to 15. Plots 1 to 14 would present their rear elevations to the site boundary, and as such would have a 'back to back' relationship with the properties on Fenton Avenue, whereas plot 15 would present its side elevation to the site boundary and as such would have a 'back to side' relationship with no. 27 Fenton Avenue. No. 52 Butt Lane presents its north-western (side) elevation to the site boundary and therefore has a 'side to back' relationship with plot 1. The Council's Adopted Design SPD, outlines that a minimum back to back distance of 20 metres should be provided between new properties and existing properties and in this respect the minimum separation distance as part of the development would be 24 metres (plot 4 and no. 3 Fenton Avenue). The Council's Adopted Design SPD also specifies that the minimum 'back to side' distance of 12 metres should be adhered to and in this respect a separation distance of 25 metres would exist between the rear elevation of plot 1 and side elevation of no. 52 Butt Lane and 21 metres between the rear elevation of 27 Fenton Avenue and side elevation of plot 15. A minimum distance of 14.5 metres (plots 4 and 5) from the rear elevations of the proposed dwellings and the site boundary would also be adhered to. Whilst it is recognised that properties on Fenton Avenue are single storey in height there is adequate separation distances in this instance which would ensure against any significant overlooking, overbearing or overshadowing impacts.

Condition 3 of the appeal decision required the submission of information relating to the finished floor levels of the dwellings and finished site levels and such information accompanies this application. Generally this information indicates that the finished floor levels of the plots would rise with the topography of the land in the same manner as properties on Fenton Avenue do.

The premises of Wavin Limited lie to the south-west of the application site on the opposite side of Butt Lane and as part of the application the Council's Environmental Protection Team have been consulted and who have raised no objections. On this basis it is considered that the relationship between the proposed residential properties and the commercial premises would be acceptable and would not result in any adverse noise or smell implications to the amenities of any future occupants, particularly the occupants of plot 1.

Overall the proposal would accord with Policy D2 of the adopted Local Plan and Paragraph 123 of the NPPF.

### Highway Safety

It is considered that the principle of 81 dwellings being served by an access off Butt Lane has been established by virtue of the approval of the outline application at appeal. As such any issues associated with an increase in vehicular traffic on Butt Lane, as well as within the neighbouring settlements as a whole, have already been assessed to be acceptable. In respect of construction traffic it would be necessary for a construction management plan to be approved under the terms of Condition 16 of the appeal decision.

The internal layout proposes a principal road running south to north with a secondary road connecting into this road which runs east to west, smaller cul-de-sacs and shared private drives would also be provided off the principal and secondary roads. The County Council Highways Authority in commenting on the application as originally submitted raised concerns principally in respect of the compliance of the scheme with County Council's standards for adoption. A revised scheme has subsequently been submitted and the County Council Highways Authority have advised that this would be to an adoptable standard and subsequently should be conditioned on any permission granted. It has also been advised by the County Highways Authority that the pedestrian visibility splays shown on the plan are acceptable and consequently should also be conditioned on any permission granted. On the above basis it is considered that the proposal would be compliant with Policy IF4 of the adopted Local Plan and Paragraph 32 of the NPPF.

Insofar as off-street car parking is concerned, it is considered that the proposed dwellings would meet the requirements set out in the Council's Adopted Design SPD including a minimum of two surfaced off-street car parking spaces for two and three bed dwellings, and a minimum of three surface off-street spaces for properties with four bedrooms or more. Garages which are to be utilised for the purposes of off-street parking are shown to have clear internal dimensions of 6.0 metres in length by 3.0 metres in width (single garage) and 6.0 metres in length by 6.0 metres in width (double garage) and where the garage is not of a sufficient size an appropriate level of external off-street parking would be provided. On this basis it is considered that the proposal would be compliant with Policy IF7 of the adopted Local Plan and Paragraph 39 of the NPPF.

It is proposed that public footpath P11 would be diverted as whilst the ability to follow its existing route would remain, with slight deviations, this would be upon the pavements through the estate and therefore in order to provide a more attractive and pleasant walking route it is intended that it be directed through the proposed areas of open space and National Forest planting in the northern part of the site. The County Council Footpaths Officer has been consulted on the application and has raised no objections to the proposed diversion subject to the imposition of conditions on any permission granted to secure a footpath management plan, a signing and waymarking scheme and that the footpath route is of an appropriate width and surfacing material. Subject to the imposition of such conditions on any permission granted it is considered that the diversion would not impact on users enjoyment of the right of way, particularly given the potential quality of the landscaped area which would be created, and as such the scheme would accord with Paragraph 75 of the NPPF. Public footpath P13 would not require a diversion, given that it would be retained on its current route through the open space, but the scheme would allow for greater connectivity between public footpaths P11 and P13 by the provision of informal routes which is considered to be of benefit.

### Trees and Landscaping

Existing soft landscaping on the site is largely present to its boundaries in the form of hedgerows with trees present within these hedges. A large mature tree lies within the site in close proximity to the south-eastern boundary with an additional length of hedgerow containing mature trees projecting in a northern direction from the south-western boundary.

As part of the consideration of the outline planning application the Council's Tree Officer raised no objections subject to conditions associated with a site specific tree protection plan, a detailed scheme of pruning works and auditable system of arboricultural site monitoring being agreed with the Local Authority, these requests were included by the Inspector on the appeal decision under conditions 12, 13 and 14. It was also requested that the scheme be developed at the reserved matters stage so as to ensure that all structures were outside of the root protection areas (RPA's) of the trees to be retained. In progressing the development on the site it will be necessary for the developer to comply with the terms of the conditions imposed at the outline stage and in agreeing such works it will be ensured that those trees and hedges which are to be retained as part of the development are successfully integrated into the scheme. It is considered that the layout plan as submitted identifies that none of the built forms would encroach into the RPAs of the retained trees and hedges and as such their integrity would not be compromised.

A proposed soft landscaping scheme has been supplied in support of the application with it being a requirement of the Section 106 agreement that an area of National Forest planting be provided on land in the northern area of the site. Condition 6 of the appeal decision also required the submission of a landscape (and ecological) management plan as part of the reserved matters submission and this plan has subsequently been submitted. As part of the consideration of the application The National Forest Company has been consulted who have raised no objections and have commented that:

"The amount of woodland within the open space has been increased. While this is not as much as we had sought they are constrained by the need to limit planting on the northern 30 metres of the open space, an additional area of grassland within limited public access has therefore been included. Amendments have also been made to the species mix and further on-plot planting has been added as we requested."

On the basis of the submitted plans The National Forest Company has no objections subject to the soft landscaping plans being conditioned on any permission granted. The soft landscaping scheme to be implemented would incorporate native planting and is denser in the northern areas of the site so as to 'soften' the edge of the development given its relationship with open agricultural land beyond these boundaries. A condition would be imposed so as to secure the agreed landscaping scheme.

The National Forest Company has also commented that the details of the landscape management plan are acceptable subject to the woodland planting being spot-sprayed (to ensure the grass growth does not compete with the young trees) which is included within an appendix document to the main landscape management plan. A condition would be imposed to ensure that the development is carried out in accordance with the landscape management plan.

With regards to hard landscaping the submitted plans indicate that the principal roads would be required to be constructed of tarmac, due to their adoption by the County Highways Authority. In terms of the hard surfacing to private drives (including individual plots driveways) and within the curtilage of the plots the submitted plans do not make it explicitly clear as to what type of surfacing would be used in such areas and consequently a condition would be imposed on any permission granted for the precise hard landscaping scheme to be agreed.



Overall, and subject to the imposition of conditions on any permission granted, a strong landscaping scheme would be provided so as to ensure the development complied with Policies D1 and En3 of the adopted Local Plan.

### **Children's Play and Public Open Space**

Policy IF3 of the adopted Local Plan identifies that the provision of open space and recreation facilities will be sought on new housing developments comprising 50 or more dwellings.

The Section 106 agreement secured as part of the appeal decision outlines that an equipped children's play area is to be provided, which should have a minimum of eight activities and provide for the needs of children up to 14 years of age, along with 0.14 hectares of open space (based on 71 dwellings being proposed as part of this application).

It is identified on the submitted layout plan that the proposed play area would be provided centrally within the large open space area situated within the northern part of the site and in commenting on the scheme as submitted The National Forest Company have commented that:

"The proposed timber equipment within the play area is welcomed. Changes in level and the addition of fallen tree trunks and play boulders would help to create a natural play design which would suit the wooded and semi-rural location."

The detailed scheme of the children's play area, along with the details of its future management and maintenance, would need to be agreed separately under the terms of the Section 106 agreement but it is considered that the scheme as proposed, along with the provision of additional equipment in line with the comments of The National Forest Company, would ensure that an appropriate scheme would be provided as part of the development.

A significant proportion of the site is proposed to be provided as public open space which consists a main area within the north of the site, which would include National Forest planting and the children's play area, and a secondary area in the southern area of the site adjacent to Butt Lane. As outlined in the 'Trees and Landscaping' section of this report above The National Forest Company have raised no objections to the application and consider that the proposed tree planting and areas of open space would be acceptable and would meet the requirements outlined in the Section 106 agreement. Whilst noting that the area of public open space in the southern area of the site would include features (balancing ponds) which would operate as part of a Sustainable Urban Drainage System (SuDS) it is considered that this area would still contribute towards the schemes open space provision by virtue of the informal footpath routes which would be provided through this area which would enable it to be accessible by members of the public. The provision of planting in this area would also ensure that it contributed positively to the overall levels of green infrastructure on the site. As outlined above The National Forest Company also have no objections to the landscape management plan which has been submitted.

The children's play area and areas of open space would also (in accordance with advice in the Good Design for North West Leicestershire SPD) be overlooked by a significant number of dwellings within the scheme so as to ensure that high levels of natural surveillance are provided to these areas which will encourage their use whilst also discouraging any misuse.

Overall the proposal would accord with Policies D1 and IF3 of the adopted Local Plan.

**Affordable Housing and Housing Mix**

As part of the proposed development it is intended that six affordable units would be provided which would comprise four x two bed bungalows and two x two bed social housing. The Council's Affordable Housing Enabler has been consulted on the application and has commented that:

*The Section 106 agreement relating to the outline application indicates that the affordable housing requirement will be 30% on this development of which 15% will be provided as on-site provision. The remaining 15% requirement will be made as an off-site commuted sum payment to support the delivery of affordable housing in other higher demand areas of the district.*

*The numbers proposed are less than the agreed 15% across the site but the majority of the properties will be provided as bungalow accommodation reflecting the findings of the rural housing needs survey in the village. The Strategic Housing Team acknowledges that bungalows are more land hungry than houses and that this particular location does not have a need for apartments which would normally counterbalance the land take up of the bungalows. The Strategic Housing Team are happy to accept the numbers and property types.*

*The signed Section 106 agreement relating to the outline application identifies the methodology for the calculation of the off-site commuted sum payment. The Strategic Housing Team would seek to secure 5 properties as Affordable Rented properties and one property as shared ownership and we are happy to discuss the specific properties with the recipient Registered Provider to ensure the properties fully meet the needs of the local residents.*

*The Strategic Housing Team are happy to accept the location of the affordable properties.*

On the basis of the above the Council's Affordable Housing Enabler has no objections to the application and consequently it would be considered compliant with Policy H4 of the adopted Local Plan. Details of when the affordable units would be delivered, as well as the payment of the off-site commuted sum, along with the arrangements for the transfer to a Registered Provider would be agreed separately under the provisions of the Section 106 agreement.

In addition to affordable housing (defined as including social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market) the NPPF also provides in Paragraph 50 that Local Planning Authorities should "plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)." Policy H6 of the adopted Local Plan requires a mix of housing types, size and tenure to meet the identified needs of the community.

Policy H6 refers to the need to have regard to the most recent Housing and Economic Development Needs Assessment (HEDNA) and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

- 1 bed - 0-10% (Market) and 30-35% (Affordable);
- 2 bed - 30-40% (Market) and 35-40% (Affordable);
- 3 bed - 45-55% (Market) and 25-30% (Affordable);
- 4 bed - 10-20% (Market) and 5-10% (Affordable);

The submitted scheme proposes the following (%):

- 1 bed - 0% (Market) and 0% (Affordable);
- 2 bed - 1% (Market) and 100% (Affordable);
- 3 bed - 34% (Market) and 0% (Affordable);
- 4 bed+ - 64% (Market) and 0% (Affordable);

The market housing would be weighted more towards larger units than as suggested by the HEDNA (although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy). Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly with the scheme providing four bungalows. Overall in terms of housing mix, therefore, the scheme as proposed would not appear to perform particularly well against the criteria in Policy H6. However, it is noted that recent Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter). It is also considered that, in this case, given that the approved outline scheme allows for up to 81 dwellings to be erected (and given that developers tend to work in terms of total floor space rather than number of dwellings), any reconfiguration of the mix to include for a greater number of smaller dwellings would be likely to result in an increase in the number of units proposed. Overall the scheme is considered to be acceptable.

#### **Impact on the River Mease Special Area of Conservation/SSSI**

The Section 106 agreement secured under the outline permission granted on appeal requires a relevant financial contribution to be paid for the amount and type of dwellings which would be provided on the site so as to off-set the additional foul drainage discharge which would be created.

Given the sites greenfield status the provision of the residential development will result in additional hard surfaces on the site. Whilst this is the case it is considered that the implications to the River Mease SAC could be mitigated by the submission of a surface water drainage scheme required by Condition 23 of the outline planning permission.

On the above basis it can be ascertained that the development on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any other features of special scientific interest of the River Mease SSSI. The development therefore conforms to Policies En2 and Cc3 of the adopted Local Plan.

#### **Drainage and Flood Risk**

Third party representations have been received in respect of the proposed development resulting in implications to a localised flooding impact. In acknowledging these comments it is noted that drainage design is in effect a matter covered under the outline planning permission

(with Condition 23 of the outline consent requiring the submission of a surface water drainage scheme prior to the commencement of the development) and therefore is not a matter for further consideration as part of this reserved matters application given that it will be necessary for the applicant to demonstrate at the appropriate time (i.e. when submitting details to comply with the terms of Condition 23) that a suitable surface water drainage proposal will be provided. For its part the Lead Local Flood Authority (LLFA) have raised no objections to the application and whilst they have suggested the imposition of surface water conditions given that the outline application has previously assessed this matter, and imposed relevant conditions, the imposition of such conditions as part of this application would be a duplication of process and consequently Condition 23 of the outline consent will remain the main mechanism which will agree a suitable surface water drainage solution for the development. On this basis it is considered that the scheme would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraph 103 of the NPPF.

In respect of the drainage ditch which runs adjacent to the boundary of properties on Fenton Avenue if the development was to increase the flow of water into the ditch than the LLFA have advised that consent under Section 23 of the Land Drainage Act 1991 would be required. As such the LLFA in considering the surface water drainage solution as part of the discharge of Condition 23 of the outline permission would subsequently give due consideration to this matter at that time. Management responsibilities for the drainage ditch would also be made clear in any management schedule for the surface water drainage solution submitted in respect of Condition 23 of the outline consent. If the drainage ditch does not form part of the surface water drainage solution than the maintenance responsibility would rest with the land owner with it being shown on the plans that a 3 metre clearance strip would be provided to the drainage ditch so as to enable future maintenance to be undertaken.

Condition 24 of the outline planning permission indicates that only the mains sewer will be utilised for foul drainage discharge and the details of how a connection will be made to the mains sewer, as well as the discharge rates from the development, will be agreed with Severn Trent Water (STW) as the sewerage undertaker. On this basis the development would accord with Paragraph 120 of the NPPF.

### **Other Matters**

The Coal Authority have been consulted on the application and have raised no objections given that the legacy of coal mining activity on the site will be addressed by the submission of details under the terms of Condition 11 of the outline planning permission. On this basis the application site can be made safe for the intended development which would ensure compliance with Paragraphs 120 and 121 of the NPPF. Conditions 19 and 20 of the outline planning permission will also ensure that matters in respect of land contamination are adequately addressed which would also comply with the aforementioned Paragraphs of the NPPF.

The Council's Waste Management Team have advised that the bin collection points to be created are of a sufficient size to accommodate the waste receptacles and are in accessible locations. Given that amendments have been made to the internal road layouts they would also now be of a standard which would enable them to be adopted by the County Highways Authority and as such the turning heads would be of a size which would enable a refuse vehicle to manoeuvre and exit a cul-de-sac in a forward direction. A condition would be imposed on any permission granted for the bin collection points, as well as the bin stores, to be provided.

Representations have been received from third parties in respect of the layout plan identifying two areas of the site which would remain undeveloped as part of this reserved matters application but which are of sizes that could accommodate more than 10 dwellings (the amount

of dwellings left as specified within condition 8 of the outline planning permission should permission be granted for 71). It is a fundamental tenet of the planning system that each application be assessed on its own merits and therefore the potential for future development on the site, be that for a further 10 dwellings as part of another reserved matters application or a scheme for a greater number of dwellings, would not be of relevance in the determination of this application. Any future application(s) that increased the overall number of dwellings on the site above the 81 approved at the outline stage would be subject to additional developer contributions which would be secured by a further Section 106 agreement.

A Section 106 agreement was secured under the outline planning permission which established the level of contributions which would be required to mitigate the impacts of the development. Given that these impacts would be no greater as a result of the development proposed it would be unreasonable to request any further contributions particularly given that such matters have no direct relevance to an application for reserved matters approval. The County Council as the Education Authority requested the provision of an education contribution for improvements to school facilities which was secured in the Section 106 agreement and as the Education Authority the County Council has the final determination on where any contribution in this respect is directed (it being outlined in the Section 106 that it would likely be used at Blackfordby St. Margaret's Church of England Primary School, Ivanhoe College, Ashby De La Zouch and Ashby School).

#### **Summary Reasons for Granting Reserved Matters Approval**

The principle of the development has been accepted by virtue of the approval of the outline planning permission for up to 81 dwellings. It is considered that, following amendments made by the applicant, the proposed development would be carried out in a manner which would ensure that it would not impact adversely on the amenities of existing and future occupants, the character and appearance of the area or streetscape, highway safety or ecological species and which would also provide suitable affordable housing provision, soft landscaping scheme and public footpath diversion. There are no other material planning considerations that indicate reserved matters approval should not be granted, particularly given that conditions of the outline permission would need to be adhered to in developing the site, and accordingly the proposal subject to the imposition of conditions is considered acceptable for the purposes of the aforementioned policies.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to conditions;**

1. Compliance with outline planning permission.
2. Approved plans.
3. External materials.
4. Precise external detailing.
5. Soft landscaping.
6. Replacement vegetation.
7. Future maintenance and management of landscaping.
8. Hard landscaping.
9. Boundary treatments.
10. Retaining walls over 0.5 metres in height.
11. External lighting to private drives and parking courtyards.
12. Finished floor and ground levels.
13. Bin/recycling storage and collection points.
14. Details of substations/pumping stations.
15. Delineation of off-street parking spaces to shared parking areas.
16. Public Right(s) of Way.
17. Pedestrian visibility splays.
18. Off-street parking.
19. Highway drainage.

Residential development including retention of existing dwelling and erection of seven new dwellings including access and parking arrangements

Report Item No  
A2

81 & 81A North Street Whitwick Coalville Leicestershire LE67 5HB

Application Reference  
17/01593/FUL

Applicant:  
Greygates Ltd

Date Registered:  
25 October 2017

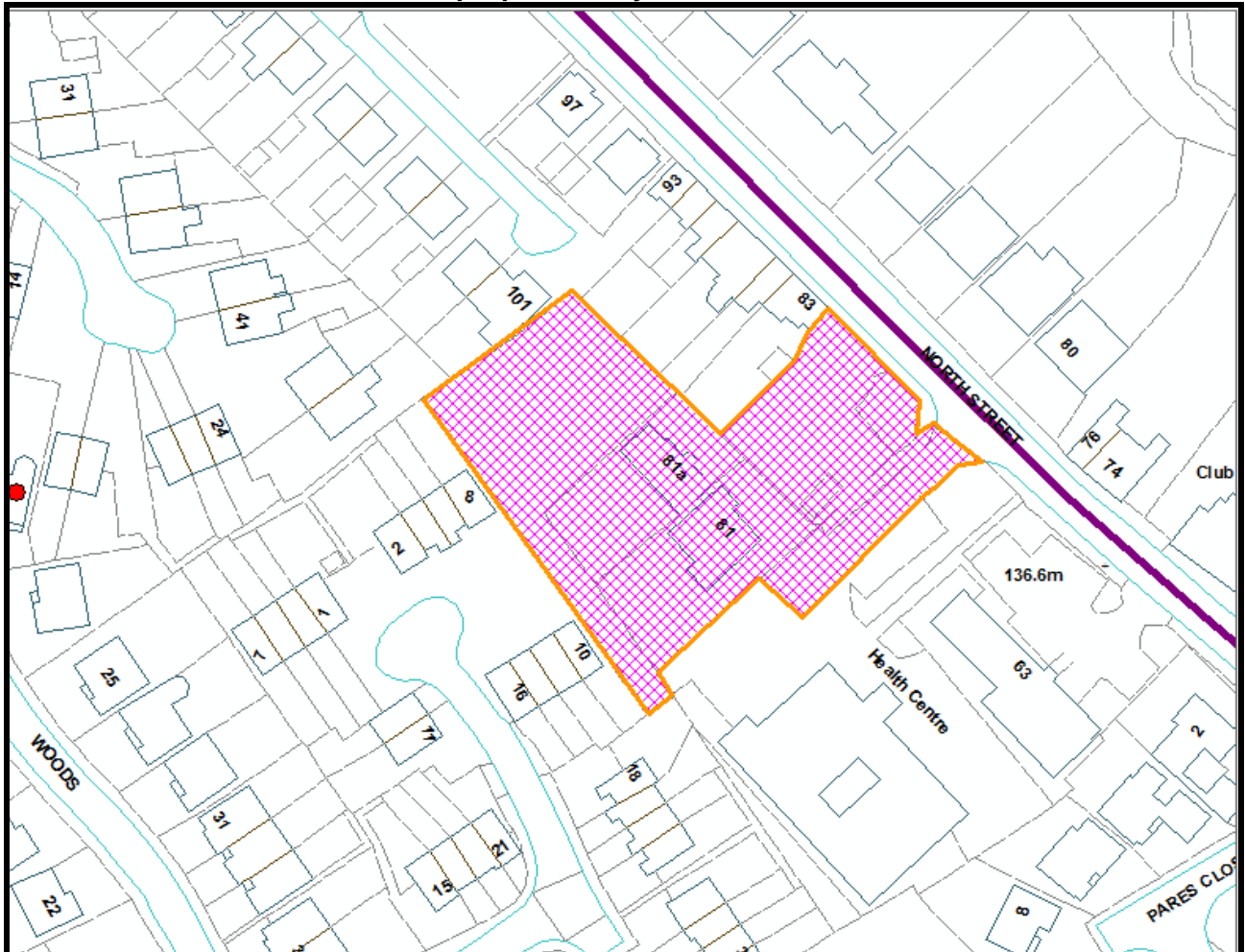
Case Officer:  
Hannah Exley

Consultation Expiry:  
13 March 2018

Recommendation:  
PERMIT

8 Week Date:  
20 December 2017  
Extension of Time:  
7 February 2018

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

This has been brought to the Planning Committee due to the level of public interest in relation to issues around highway safety, character of the area and impact on the amenities of neighbours.

### **Proposal**

This is a full application for the erection of seven new dwellings on land that is currently occupied by an area of overgrown land to the north-east and north-west of No.81 and 81a North Street. Means of access to the site would be via an existing vehicular access off North Street which is shared by Whitwick Health Centre.

### **Consultations**

A total of 11 letters of representation have been received raising objection to the proposals. Whitwick Parish Council raise objection and all statutory consultees have raised no objections.

### **Planning Policy**

The site is located within the Limits to Development on the Policy Map to the adopted Local Plan.

### **Conclusion**

The principle of residential development on the site has already been established by an extant planning permission and therefore, the key issues are:

- the impact of the proposal on highway safety;
- the impact of the proposal on neighbouring residential amenities;
- how the development would fit in with the design and character of existing development in the area.

The report below looks at these details, and Officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD.

### **RECOMMENDATION:-**

#### **PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**



## MAIN REPORT

### 1. Proposals and Background

Approval is sought for the erection of seven new dwellings on 0.24 of a hectare of land that is currently occupied by an area of overgrown land to the north-east and north-west of No.81 and 81a North Street. The proposals comprise a terraced row of three two-storey dwellings fronting North Street with parking to the rear and four detached two-storey dwellings set back within the site to the north west of No.81a North Street with parking to the front and side of these properties. Means of access to the site would be via an existing vehicular access off North Street which is shared by the Whitwick Health Centre which abuts the south eastern boundary of the site. A new shared access drive is proposed within the site from the Whitwick Health Centre car park into the site to serve the new and existing dwellings.

The application also includes new landscaping and boundary treatments to the existing dwellings (No.81/81a North Street, Whitwick) which are to be retained as existing as part of the proposals. A new garage is also proposed to the rear of No.81 North Street, Whitwick. There is a general drop in land levels across the site in north easterly and south easterly directions.

The application has been amended since the original submission which showed 9 new dwellings including the demolition of No.81a North Street. During the course of the application, the agent has provided additional information concerning the materials and finishes to be used for dwellings, boundaries and hard landscaping and landscaping to avoid the need for conditions should permission be granted.

The application was accompanied by the following supporting information:- a Preliminary Ecological Appraisal and Bat Emergence Survey.

#### **Other relevant planning history found:**

16/00829/OUT - Erection of five dwellings including access and parking arrangements and alterations to existing dwelling (Outline - access and layout included) (Permitted)

11/00642/EXT - Application for a new outline planning permission to replace extant outline planning permission 08/01118/OUT in order to extend the time period for the implementation for the demolition of 81 and 81A North Street, Whitwick, and redevelopment of the site with the erection of 9 dwellings and provision of parking and turning (Outline - layout and access included) (Permitted).

08/01118/OUT - Demolition of 81 and 81A North Street, Whitwick and the erection of 9 dwellings and provision of parking and turning (Outline - layout and access included) (Permitted).

It is noted that the application for nine new dwellings which was been approved on this site was not implemented and permission has now lapsed. However, as detailed above, an extant permission exists for 5 dwellings on the site.

### 2. Publicity

21 Neighbours have been notified.  
Site Notice displayed 27 October 2017.

### 3. Summary of Consultations and Representations Received

The following summary of responses is provided.

**Whitwick Parish Council** raise objection for the following reasons:

'We believe a precedent was set previously that refused to allow increased vehicle access to the highway on North Street on safety grounds. As previously highlighted to you - the access was shared with the Health Centre and was already insufficient for the number of patients, doctors and other visitors. GPs and the Patient Participation Group had submitted objections and were deemed to have expert knowledge of the site. The Parish council request that a site meeting for the planning committee be arranged at 0930 on a weekday to assess the practical implications. The shared access for existing properties was wholly insufficient for the number of new properties proposed. The current access at the edge of the site was frequently blocked and access for patients was already very difficult to visit either the doctor or the adjoining chemist. The parking provision was no longer large enough for the shared facility and a new development would exacerbate the problem to a dangerous and unacceptable level. Emergency vehicles required frequent access to the only surgery in the village serving 7,500 patients and this vital need would be compromised. Patients with mobility problems had difficulty due to the gradient of the site and the number of properties proposed would still increase vehicle numbers and impede their safe access. Existing visitors frequently parked in North Street, which had speed calming measures due to known existing problems. Use of the access road in this manner (like a highway) was believed to be contrary to T10 of the Planning Policy. Councillors were dismayed that County Highways had not yet registered objections to this application on safety grounds. In addition the layout proposed was over intensive use of the sloping site, with properties still being overbearing in the proposed new location and causing existing dwellings to be heavily overlooked. Although disruption to the community during the construction phase was not a material consideration, councillors wished this point to be raised. "

**Leicestershire County Council - Ecology** has no objections. Conditions were suggested relating to the dwelling to be demolished but this is now to be retained as part of the amended proposals.

**Leicestershire County Council - Highways** advise that the residual cumulative impacts of the development can be mitigated and are not considered severe, subject to conditions being imposed.

**Leicestershire County Council - Local Lead Flood Authority** do not deem this to be a major application and do not deem the site to be at any significant flood risk.

**NWLDC - Environmental Protection** recommends notes to applicant concerning the hours of construction works and minimising dust and noise disturbance.

**NWLDC - Street Management** is satisfied with the bin collection provision proposed as part of the amended plans.

**Severn Trent Water**- no response received.

#### **Third Party Representations**

11 letters of neighbour representation have been received, including letters from the Whitwick Patient Participation Group and from Doctors at the Whitwick Health Centre raising objection on the following grounds:

*Highway safety issues:*

- Concern about overspill parking in an area already suffering from parking problems;
- The access drive into the site is shared by Whitwick Health Centre and is a single track road as vehicles park along it and vehicles parking in the health centre spaces also reverse into it which can prevent vehicular access into the site from North Street which blocks the carriageway;
- Blockages around the access could impede emergency access to the health centre;
- The new dwellings would obstruct visibility at the access and should be set back as per other developments in the locality;
- There are bus stops close to the access which makes this part of North Street busy;
- Greater visibility should be provided at the access;
- A road traffic accident has occurred outside the site in recent months involving the Police, Fire and Ambulance services and the proposal will give rise to an increased risk of further incidents occurring;
- Increased dangers to pedestrians visiting the health centre;
- The plans incorrectly show the parking available within the health centre site and often patients parking in GP spaces which is problematic;
- Many patients travel to the health centre by car because public transport is not available to meet their needs;
- Existing residents use the health centre car park when visiting the health centre and the same is likely to occur for the proposed dwellings;
- The development will reduce the space available for parking at the health centre and patients will have to park on North Street which will impede traffic flow and make access/egress to and from the site more hazardous;
- Concern that residents of the proposed dwellings will park in the health centre car park which will exacerbate the existing parking problems;
- Parking at a distance from the health centre would be difficult for elderly patients and patient with some medical conditions, particularly in poor weather conditions;
- The imposition of double yellow lines would not address parking around the access as those patients with disabled parking can ignore them;
- The development should be served via a new access;
- The NHS policy is to increase medical procedures at local practices and this will further increase traffic using the health centre and exacerbate parking problems;

*Residential Amenities:*

- Loss of privacy and overlooking to properties fronting North Street;
- Overshadowing of the properties and their garden areas by the new development to the rear of the site;
- Plot 7 will appear particularly overbearing from the rear of properties fronting North Street due to it's location on the boundary and increasing land levels;
- Noise and disturbance associated with increased vehicular movements at the rear of the site;
- Deterioration of air quality;
- Impact on the quality of life of local residents;
- Right to light - does the development adhere to the 45 degree rule for No's 83, 85 and 87 North Street;
- Light pollution from new street lighting at the rear of existing properties;
- Noise, mess and disturbance during construction works;

**Design and Character:**

- The dwellings would be of inappropriate design for this area;
- Overdevelopment;
- Garden grabbing;

*Other:*

- We need to ensure that health care facilities are available for an increasing population;
- Does the developer has a right to use the access;
- Should the development take place a street name should be chosen that remembers a well known local character;
- If an agreement has been reached between the developer and the NHS over the use of the access, then has been done without the inclusion of the Whitwick Patient Participation Group and without understanding the practical consequences of the development for patients.

**4. Relevant Planning Policy**

**National Policies**

*National Planning Policy Framework*

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 7, 17 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 32, 34 (Promoting sustainable transport)
- Paragraph 47, 49 (Delivering a wide choice of high quality homes)
- Paragraph 57, 59, 61 (Requiring good design)
- Paragraph 118 (Conserving and enhancing the natural environment)

**Adopted North West Leicestershire Local Plan (2017)**

The following Local Plan policies are relevant to this application:

- Policy S1 - Future Housing and Economic Development Needs
- Policy S2 - Settlement Hierarchy
- Policy D1 - Design of New Development
- Policy D2 - Amenity
- Policy IF4 - Transport Infrastructure and New Development
- Policy IF7 - Parking Provision and New Development

**Other Guidance**

National Planning Practice Guidance - March 2014.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

6Cs Design Guide (Leicestershire County Council) - The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

Good Design for North West Leicestershire SPD.

**5. Assessment**

**Principle**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2017).

The application site is within the defined Limits to Development within the sustainable settlement of Whitwick where new residential development would accord with Policy S2 of the adopted Local Plan. An extant permission exists for residential development on the site and therefore, the principle of residential development has already been established as acceptable.

Overall, it is considered that the proposal would represent a sustainable form of development and would accord with the policy aims of both the adopted Local Plan and would be acceptable in relation to the NPPF. Therefore the development is acceptable in principle subject to other material considerations.

**Design and Character of the Area:**

The need for good design in new residential development is outlined not only in Policy D1 of the adopted Local Plan, but also the Council's Good Design SPD and Paragraphs 57, 60 and 61 of the NPPF.

There is a mixture of dwellings in the surrounding area with detached, semi-detached and terraced dwellings off North Street, detached bungalows within the site and two-storey terraced and semi-detached to the rear of the site. The application details three terraced dwellings fronting onto North Street with two semi-detached and two detached dwellings sited perpendicular to and set further back from North Street behind the existing row of terraces (No.83-93 North Street). Vehicular access and parking is shown to the rear of the terraces via the existing shared access drive for No.81 and 81A North Street and parking would be provided to the front/side of the detached two storey dwellings on plots 4 to 7.

The proposed terraced dwellings fronting North Street would be sited close to the back of the highway with a low wall in front and would have a scale and appearance that would be consistent with other properties fronting North Street. It is proposed that these dwellings at the front of the site would include chimney and traditional eaves and verge detailing, with cast iron effect rainwater goods and the front and exposed side elevation of this group of dwellings would be laid to a Flemish Bond. These characteristics would accord with the scale, layout and form of the surrounding area and would not appear out of keeping. Whilst concern has been raised about the overdevelopment of the development on the site, the density of the proposed development would not be inconsistent with that of surrounding residential development.

Furthermore, planning permission was granted for the erection of nine new dwellings on the site in 2008 and 2011 and the current proposal for seven new dwellings and the retention of the two existing dwellings would result in the same number of dwellings on the site.

To the rear of the site, the four semi-detached/detached dwellings would be sited at a right angle to both the properties fronting North Street and the existing single dwelling and dormer bungalow (No.s 81 and 81a North Street) at the rear of the site. The proposed dwellings would not run parallel with North Street or follow the building line created by the existing dwellings to be retained on the site, or No's 101-119 North Street which are set back from the road. However, there are dwellings to the rear of the site on Holland Close, and the building line of which the proposed dwellings would align. Furthermore, there are examples of development sited perpendicular to North Street within the vicinity, such as Pares Close, Orchard Close, Eveden Close and No's 135-143 North Street. In addition, the proposed dwellings will also be screened from the public highway on North Street to a large extent by the existing and proposed dwellings fronting North Street, accepting that glimpses would be available through the access to the Whitwick Health Centre and between No.s 97 and 101 North Street.

In considering application 16/00829/OUT for dwellings which would follow the alignment of No.s 81/81a North Street, the view was taken that this layout represented an improvement on a scheme approved under permission 08/01118/OUT, which provided for a scheme with dwellings sited perpendicular to the existing properties on North Street, as per the current proposal. Whilst it is accepted that a scheme which aligns with the building line created by 81-81a and 101-119 North Street would better reflect the layout of existing development on the site, consideration needs to be given as to whether the current proposal would be significantly detrimental to the character of the area to warrant a refusal of permission on this ground. When having regard to the alignment with Holland Close and other in-depth developments in the locality, it is not considered that a refusal on the ground of the development appearing out of keeping with the scale, form or layout of development in the locality could be sustained. Furthermore, the proposed dwellings at the rear would have traditional eaves, verge and eaves details as per the proposed frontage units. The shared access drive would be surfaced in tarmac following an initial rumble strip in block pavers and the parking areas would be surfaced in matching block pavers. For public facing new boundaries, brick walls are proposed which would be laid to a Flemish Garden Wall bond with a double bullnose brick and double tile crease for detail. The same detail would be utilised on the low wall proposed up to the footway on North Street in front of plots 1-3. These details will help secure a higher standard of design detailing than other modern developments in the locality.

A new single garage is proposed to the rear of No.81 North Street and this would not appear out of keeping with the scale and appearance of the existing dwelling to which it would relate.

Overall, it is considered that the application would accord with the provisions of Policy D1 of the adopted Local Plan, the design advice in the NPPF and the Council's Good Design SPD.

### **Impact upon Residential Amenity**

The most immediately affected neighbours would be the occupiers of No.81A and No.81 North Street, which are under the applicant's ownership, No.83-93 and No.101 North Street to the north west of the site and No.45 Jarvis Way and No.8 Holland Close to the south and south western boundaries of the site respectively.

The proposed dwellings on plots 1-3 would be set a distance of 4m away from the facing side elevation of No.83 with garden land in between. There is an outbuilding in the rear curtilage of this neighbour and it is considered that the proposed arrangement would not result in any

significant detrimental impact on No.83 in terms of overbearing or overshadowing. One window is proposed in the end gable facing No.83 which would serve a bathroom and therefore, could be obscure glazed so as not to result in any significant overlooking of the neighbouring property. Whilst concern has been raised about whether plots 1-3 would adhere to the 45 degree rule for overshadowing, the siting of the proposed dwellings would not be dissimilar to the approved scheme for the site, and in fact, would be sited an additional metre away from the nearest existing dwelling. In these circumstances, it is not considered that a refusal on the grounds of overshadowing could be sustained.

The proposed two storey dwellings on plots 4-7 would face No.81a North Street, with the rear elevation facing No.101 North Street. The side elevation of the existing dormer bungalow (No.81a North Street) would be sited just over 10m and 9m from the front elevation of the dwellings on plots 6 and 7. The Good Design Guide allows for a lesser distance than 12m to be provided where neighbouring dwellings have fewer stories. In this case, the existing dwelling on the site is a dormer bungalow with accommodation in the roof and therefore, is not the height and mass of a two-storey dwelling. The dwellings on plots 6 and 7 are sited such that the front elevations also face garden/parking and shared surfaces within the site. Overall, it is considered that the distance available would be sufficient to prevent any significant overbearing or overshadowing impacts to the existing or proposed dwellings.

In terms of overlooking, the proposed dwellings would face the rear garden of No.81a and with the exception of the first 2m of garden area immediately behind the dwelling, a distance of 12m would be available between the garden boundary and the front of the proposed dwellings, which is considered sufficient to prevent any significant overlooking. As for those initial few metres of garden, the first floor window within plot 6 at this point would serve a landing and therefore, notwithstanding the 9m distance available, it would be unlikely to result in any significant overlooking of the garden area.

The side elevation of the proposed two-storey dwelling on plot 7 would face the rear gardens of No.s 85-89 with the proposed dwelling spanning the whole width of the garden to No.87. Following concerns raised by the occupier of this dwelling, the dwelling on plot 7 has been re-sited 4m off the boundary with this dwelling with a driveway in the intervening space. A 1.8m high fence occupies the common boundary and this is proposed to be retained. There would be a distance of 17.5m between the side elevation of the proposed dwelling and the nearest rear elevation of these neighbouring properties. The Good Design Guide specifies that where a principal window faces the blank wall of a neighbouring dwelling, the distance should be at least 12m to safeguard residential amenity and prevent buildings from being unreasonably overbearing or dominant. Whilst accepting that land levels drop between the application site and the neighbouring properties fronting North Street, it is considered that the distance between the proposed and existing dwellings would be sufficient to prevent any significant overbearing or overshadowing impacts to these neighbouring dwellings to the north east. One window is proposed in the end gable facing No.87 which would serve a bathroom and therefore, as a non-habitable room, would be unlikely to result in any significant overlooking of the neighbouring properties fronting North Street.

The side elevation of No.101 North Street abuts the north western boundary of the site, and the rear elevations of plots 4-7 face this neighbouring property. It is noted that the nearest part of this neighbouring dwelling is a single storey garage extension with only a landing window in the facing elevation at first floor level. The proposed dwellings would be a distance of 11-12m from the side boundary of this property, which is considered sufficient to prevent any significant overlooking, overbearing or overshadowing impacts on this neighbouring property as a result of the proposal.

The distance available between plots 6 and 7 and the boundary of the neighbouring dwelling would be 10m. When having regard to the single storey nature of the garage extension adjacent to the boundary, it is considered that distance available between the proposed and existing dwelling is sufficient to protect the amenities of the occupiers of the proposed new dwellings from overbearing and overshadowing impacts. Furthermore, the first floor window in the end gable of the neighbouring property would serve a landing and would be unlikely to result in any significant overlooking of the proposed dwellings.

The bottom end of the garden to No.45 Jarvis Way also abuts the north western boundary of the site. When having regard to the 12m distance that would be available between the rear of the proposed dwelling and this neighbouring garden, it is not considered that any significant overlooking, overbearing or overshadowing issues would arise.

The application site also borders Holland Close and the south western boundary of the site would abut the side boundaries with No.s 8 and 10 Holland Close. Both of these properties present side gables to the application site and contain first floor landing windows which are non-habitable windows. The proposed dwellings on plots 4 and 5 align with No. 8 Holland Close such that no significant overbearing, overshadowing and overlooking impacts upon this existing property would arise as a result of the development. No built development is proposed adjacent to the boundary with No.10 Holland Close and therefore, no overbearing, overshadowing or overlooking impacts would arise. A new garage is proposed within the rear garden of No.81 North Street but this is located at sufficient distance away from the boundary to have any adverse impact.

In terms of comings and goings, the proposal would introduce additional vehicular and pedestrian noise associated with the residential occupation of the site but this would not be inconsistent with that of neighbouring land uses. Concern has been raised about noise, mess and disturbance during the construction phase of the development but these are matters that would be addressed by separate Environmental Protection legislation and therefore, are not a planning matter for consideration in this application. With regard to concerns about loss of air quality, it is not considered that the two additional dwellings proposed above the existing approved scheme would raise any significant air quality issues in the locality.

Overall, it is considered that the development would not have any significant detrimental impact upon the amenity of neighbouring residential properties (or future neighbouring residents) and the proposal is considered to be acceptable in relation to Policy D2 of the adopted Local Plan and the Good Design SPD.



### Highway Considerations

Access to the site would be via an existing vehicular access off North Street which is shared by the Whitwick Medical Centre. As detailed above, the site benefits from an extant outline planning permission for the construction of five dwellings, plus the retention of the two existing dwellings on the site; a total of seven dwellings. The County Highways Authority advise that they did not seek to resist the earlier application on the basis that the proposals would improve the available visibility at the access on to North Street and would close an existing sub-standard access. The site access is currently 6 metres wide which is identical to the site access details included as part of the extant planning permission for five new dwellings on the site. The County Highways Authority has been consulted on the application and advises that the proposed access is still an appropriately designed access to cater for the additional dwellings now proposed. It is noted that the applicant has provided an amended plan to demonstrate appropriate visibility at the site access onto North Street and a condition would be attached to ensure this visibility splay is maintained.

Since the previous application was considered, the County Highways Authority advises that there has been one Personal Injury Collision (PIC) recorded within the vicinity of the site, which was classified as being slight in severity and involved a single vehicle. The County Highways Authority, considers that the proposal for seven new dwellings (two more dwellings than the approved scheme) would be unlikely to result in an increase of PIC's occurring in the vicinity of the access.

The proposed layout shows an appropriate number of car parking spaces have been provided within the development for the dwellings proposed and sufficient turning space is provided to allow for vehicles to exit the site in a forward gear in accordance with the 6C's Design Guide. It is noted that pedestrian gates have also been provided from the parking spaces to the rear of the gardens to Plots 1 - 3, which allows for easy access for residents of these plots and minimises any risk of on-street parking occurring on North Street. Whilst it is acknowledged that local concerns have been raised about the proposal exacerbating existing parking problems associated with the health centre, the proposed development would meet its own parking needs in accordance with standards within the site, and it would not be reasonable to require extra parking spaces to be provided.

Highway safety concerns have been raised by local residents, the Parish Council and the Whitwick Health Centre as set out in the representations section of this report. Although neighbours have commented that the development would exacerbate parking problems along North Street and would affect parking for the adjacent health centre, it is noted that the County Highways Authority has not raised any objection in relation to the parking arrangements, for the existing and proposed dwellings and the health centre. The County Highways Authority advise that access to the dwellings would be to the rear and would not result in any significant impact on highway safety or parking along North Street. The existing substandard vehicular access onto North Street would be permanently closed and this can be secured by way of planning condition. Although the neighbouring property currently uses this access, it is within the applicant's ownership and the loss of vehicular access to the rear of No.83 would not represent reason to refuse this application. The advice of the County Highways Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe and the proposal, subject to conditions, would accord with paragraph 32 of the NPPF.

Overall, the access arrangements would accord with the 6C's Design Guide and the proposal would improve the available visibility at the access off North Street and would also close an existing sub-standard access. There would be sufficient parking and turning for the proposed

dwellings and, subject to suitably worded conditions, it is deemed that the application would accord with Policies IF4 and IF7 of adopted Local Plan, advice in the 6Cs Design Guide and paragraph 32 of the NPPF.

In response to highway objections that have not been addressed in the above text, concern has been raised that the proposal would remove parking available within the health centre. It is acknowledged that the shared drive into the development site would be increased in size, however, this is no different to the previously approved scheme. As for concerns about double yellow lines at the access being ignored, these do not form part of the application proposal and are not a requirement of the County Highways Authority. Whilst the view has been expressed that the development should be served by a new separate access, the current application has to be assessed on its own merits. Whilst it may be NHS policy that there will be an increase in medical procedures being undertaken at local practices, it is for the NHS to assess the suitability of its premises to accommodate these additional services and the parking needs of the proposed development are met within the application site.

### **Protected Species**

The application submission was accompanied by a Preliminary Ecological Appraisal and Bat Emergence Surveys for 81a North Street which set out precautionary recommendations in relation to demolition and new bat boxes which are considered acceptable by the County Ecologist. However, whilst the application as originally proposed included the demolition of one of the existing dwellings (81a North Street) which had potential for bats, following the submission of amended plans both of the existing dwellings are to be retained and no ecological conditions are required. As such it is considered that protected species would not be adversely affected and the proposal would comply with Policy EN1 of the adopted Local Plan and paragraph 118 of the NPPF.

### **Trees**

There are trees and shrubs across the proposed development site however these are not protected or subject to any Tree Preservation Orders and could be removed by the applicant at any time without requirement for planning consent. The application proposes significant removal of these trees and hedges but the submitted layout plan shows the hedge adjacent to the health centre car park to be partially retained and some other trees within the site to be retained. The trees and shrubs to be removed are not considered to be of high amenity value and new tree/shrub planting is proposed across the site. On the basis of the above, the application would have an acceptable impact on landscaping and the application is considered to accord with Policy En1 of the adopted Local Plan.

### **Other**

With regard to concerns about light pollution, no street lighting is shown on the plans and the agent has confirmed that as a private drive, no street lighting will be required. As for queries about whether the applicant has the right to use the access, this is a matter for separate legislation. The applicant has served notice on others having an interest in the site and therefore, has complied with the requirements of the relevant planning legislation. It is noted that a suggestion has been made about the street name for the development relating to a well-known local person and this can be included as a note to applicant should permission be granted. Concern has been raised about garden grabbing but this site has already benefits from an approval for development. In determining the previously approved scheme for the site, Severn Trent Water requested that a drainage condition be imposed on any permission granted. However, Severn Trent Water has not responded to the current application proposal and in any case, there consent would be required to connect to the public sewer.

**Conclusion**

The principle of residential development on the site is considered to be acceptable. The scheme is acceptable in terms of its impact on residential amenities, design and impact on highway safety. The application would have an acceptable impact on ecology and trees and taking all of the above into account, it is considered that the application complies with relevant policies of the adopted Local Plan, the NWLDC Good Design Guide and the National Planning Policy Framework. It is therefore recommended that the application should be permitted.

**RECOMMENDATION - PERMIT, subject to the following condition(s):**

1. Time limit
2. Approved plans
3. Materials/finishes/detailing as shown
4. Landscaping as shown
5. Boundary treatments as shown
6. Bin collection area provided as shown
7. Closure of existing access and provision of visibility splays
8. Parking and turning as shown
9. Construction traffic management plan
10. Removal of pd rights for the proposed dwellings

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Conversion and extension of outbuilding and garage into five residential units for holiday accommodation

Report Item No  
A3

Breedon Hall Main Street Breedon On The Hill Derby  
DE73 8AN

Application Reference  
17/01608/FUL

Applicant:  
Mr And Mrs Meynell

Date Registered:  
20 October 2017

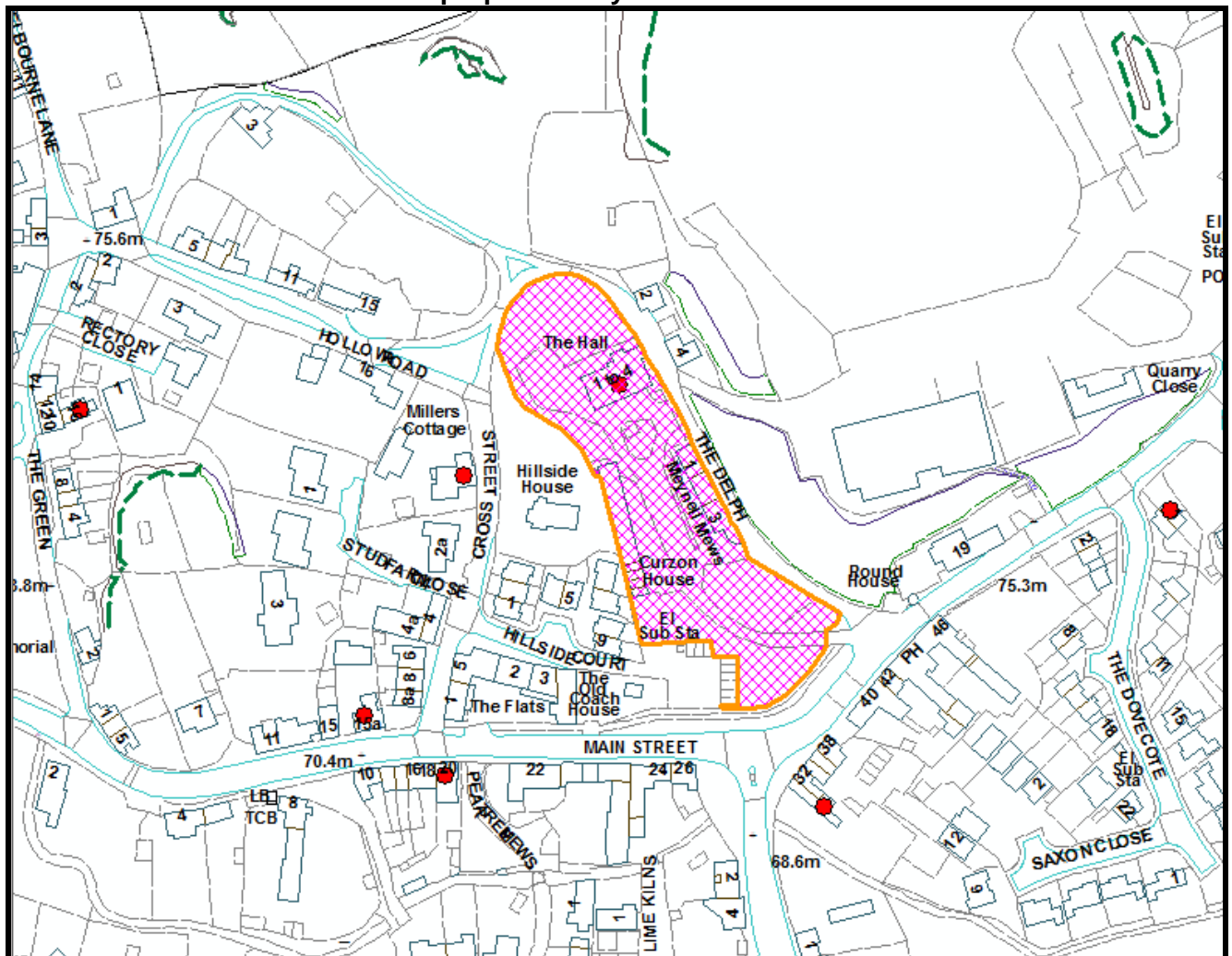
Case Officer:  
Eleanor Overton

Consultation Expiry:  
31 December 2017

Recommendation:  
PERMIT

8 Week Date:  
15 December 2017  
Extension of Time:  
7 January 2018

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is before Planning Committee as the applicant is related to a serving Councilor, Councilor Blunt.

### **Proposal**

Planning permission sought for the conversion and extension of an outbuilding and garage block into five residential units for use as holiday accommodation, at Breedon Hall, Main Street, Breedon on the Hill.

### **Consultations**

Two letters of objection have been received by a single objector, the owner of the development of retirement bungalows known as Hillside Court. There are no outstanding objections from any statutory consultee and the Parish Council do not object.

### **Planning Policy**

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan and is also within the Conservation Area.

### **Conclusion**

The principle of new tourist accommodation in Breedon on the Hill is considered acceptable and further support is also attributed to the re-use of the buildings in question. The key issues are:

- Impact on Character, Design and the Historic Environment;
- Residential Amenity; and
- Highway Safety

The report below considers these matters, and Officers conclude that the proposal is acceptable on this basis. The scheme meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD.

### **RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission sought for the conversion and extension of an outbuilding and garage block into five residential units for use as holiday accommodation, at Breedon Hall, Main Street, Breedon on the Hill.

Breedon Hall is a Grade II Listed Building situated on the northern side of Main Street and to the west of The Delph, in Breedon on the Hill. To the south of Breedon Hall, the central approach is flanked by two detached, two story brick outbuildings. The outbuilding to the west (known as 'Curzon House') is a former coach house, which was partially converted into residential use some time ago and in 1984 was extended to provide four garages. This building is subject of the current planning application. The building sited opposite is a former stable block, and has been converted to provide three units of residential accommodation.

Throughout the course of the application, amended plans have been secured to address concerns raised by the Officer and Consultees. These plans have been subject to a full re-consultation.

The site is located within the Limits to Development, as defined by adopted Local Plan and it within the Breedon on the Hill Conservation Area.

#### Relevant Planning History:-

11/01025/LBC - Change of use to C3 (dwellinghouse) and internal alterations - Approved 14th February 2012;

11/01026/FUL - Change of use to C3 (dwellinghouse) - Approved 14th February 2012;

12/01006/FUL - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey extension - Approved 13th February 2013;

12/01007/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (listed building consent) - Approved 13th February 2013;

13/00695/NMA - Non material amendment to planning permission 12/01006/FUL to allow reduction in number of roof windows proposed and removal of existing (non original) chimney previously proposed for retention - Approved 14th November 2013;

13/00677/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (Amended Scheme to LBC 12/01007/LBC to now include removal of non-original chimney and formation of three roof-lights on north east roof plane) - Approved 14th November 2013;

15/00637/LBC - Retrospective application for conversion of unlisted former stable block within curtilage of listed building into 3 residential units including external works and off-street parking - Approved 9th September 2015;

16/00371/VCI - Variation of Condition 1 and removal of Condition 2 associated with planning permission reference 15/00648/VCI to allow for the removal of part of boundary wall (retrospective) and formation of a vehicular and pedestrian access off The Delph with

associated brick piers and gates - Approved 12 May 2016;

17/01580/LBC - Conversion and extension of outbuilding and garage block into five residential units for holiday accommodation - Pending Consideration.

## **2. Publicity**

7 Neighbours have been notified.

Press Notice published Derby Evening Telegraph 8 November 2017.

## **3. Summary of Consultations and Representations Received**

### **No objection:-**

Environmental Protection  
Leicestershire County Ecology  
Breedon on the Hill Parish Council

### **No objection, subject to condition(s):-**

Leicestershire County Highway Authority

### **No response received:-**

Leicestershire County Archaeology  
Severn Trent Water

Any comments received will be reported on the Update Sheet.

### **Third Party Representations**

Two letters of representation have been received from the same objector. The objector has written on behalf of Brelade Estates, the company who owns Hillside Court; the development of retirement bungalows situated to the north west of the site.

The following concerns are raised within the letters:-

That the proposal would result in overshadowing and loss of light to the neighboring properties.  
The proposed roof lights would result in an unacceptable level of overlooking.  
The scale of the proposal would result in an oppressive form of development.  
Queries as to why the proposed roof lights are all situated within the westerly aspect of the roof.



## **4. Relevant Planning Policy**

### **Relevant Planning Policy**

#### **National Planning Policy Framework**

Paragraph 9 and 10 Achieving sustainable development;  
Paragraph 14 (Presumption in favour of sustainable development);  
Paragraph 28 (Supporting a prosperous rural economy);  
Paragraphs 56, 57, 58, 59, 60, 61 and 64 (Requiring good design);  
Paragraphs 109, 112, 118, 119, 120, 122, 123 and 124 (Conserving and enhancing the natural environment);  
Paragraphs 131, 132, 134, 137 and 141 (141 Conserving and enhancing the historic environment).

#### **Adopted North West Leicestershire Local Plan (2017)**

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

S2 - Settlement Hierarchy  
D1 - Design of New Development  
D2 - Amenity  
En1 - Nature Conservation;  
IF4 - Transport Infrastructure and New Development  
IF7 - Parking Provision and New Development  
HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

#### **Other Policies/Guidance**

National Planning Practice Guidance - March 2014  
6Cs Design Guide (Leicestershire County Council)  
Good Design for North West Leicestershire SPD - April 2017  
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations')  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)  
SPD Good Design  
The Planning (Listed Buildings and Conservation Area) Act 1990

## **5. Assessment**

### **Principle of Development**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan 2017.

This application proposes to convert a range of existing buildings into 5 units of holiday accommodation within the settlement boundary of Breedon on the Hill.

Policy Ec13 of the adopted Local Plan seeks to maximise the potential of tourism in the district and increase tourist opportunities for visitors by supporting the: (c) *development of new tourist attractions, including the provision of new accommodation to facilitate the opportunity for overnight stays* and (2) seeks to encourage new tourist attractions and accommodation within the limits to development where it can make use of existing infrastructure.

Furthermore, paragraph 28 of the NPPF seeks to support economic growth in rural areas through supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

As this development would provide additional tourist accommodation within the settlement boundary and would utilise an existing building, part of which has some historic merit, in principle therefore, subject to a condition restricting occupancy of the holiday accommodation, the development is considered acceptable.

### **Impact on Character, Design and the Historic Environment**

Breedon Hall is a Grade II Listed Building. The perimeter walls to the northern side of the grounds associated with the Hall are also Listed within their own right. Furthermore, the entire site is situated within the Breedon on the Hill Conservation Area.

Units 2 - 5 of the proposal would be situated within the original part of the building, which was formally a coach house and also provided some stabling. The original building dated to the mid-late 18th Century, however part of it was raised in the 19th Century and the left gable was rebuilt at some point in the 20th Century. It is also understood that the northern most section of the building was converted to flats in 1986.

This building is of two story proportion and of red and buff brick construction with a plain tiled roof. The rear elevation of the building has been rendered. Within the principle elevation there are two coach-house bays with double doors; the doors have bonded stone jambs and brick arches. There are a range of openings, both at ground and first floor level to the front and rear elevations of the building, with those to the front elevation benefiting from stone header and cill detail. The windows are traditional sashes.

Unit 1 would be situated within a modern pitched roof 4 bay garage attached to the southern side of the original part of the building. This was erected in/around 1984. The appearance of the garage block is not in keeping with the design or scale of the attached Listed building.

The design of the holiday lets as originally proposed were not considered acceptable and would have detracted from the historic characteristics of the building, and objections were received from the council's Conservation Officer on such grounds.

Throughout the course of the application, the design has been amended; the first floor extension originally proposed to the garage block has been omitted and to facilitate the first floor accommodation, the eaves and ridge level of the garage building have been raised. The proportions of this part of the building are now more akin to those of the original building and the buildings overall appearance is improved.

Details of the fenestration have also been amended, the proposed glazing has been set in a deep reveal and the number of roof lights have been reduced. Such amendments have resulted in the development appearing more sympathetic and have ensured that the buildings original characteristics have been retained.

Owing to the concerns raised by the Council's Buildings Control Officer, specifically in relation to fire safety, two fire escapes have been inserted into the rear elevation of the building. These have been carefully sited and designed to ensure they do not detract from the original character of the building and would not result in harmful impacts on the residential amenity of adjacent dwellings, whilst still being functional. These openings would comprise of butt and beaded painted doors and would replicate the scale of existing first floor opening within the rear elevation.

The appearance of the garage block would be improved and the elevational changes to the original building would not detract from its character or appearance. Overall the design and detail of the scheme is now considered acceptable and complies with Policy D1 of the adopted Local Plan.

### *Heritage Assets*

As stated above, the site lies within the Breedon on the Hill Conservation Area and the coach house subject of this application is Grade II Listed, whilst the more recently added garage block would be curtilage Listed, by virtue of its physical connection to the Listed Building.

The proposed development must therefore be considered against section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."

In relation to the Listed Building designation, as a heritage asset, Paragraph 131 of the NPPF requires that in determining planning applications, local planning authorities should take account of, amongst others, the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 134 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

As outlined above, the Council's Conservation Officer originally raised concerns with the scheme, however following the amendments made, the proposal is now considered to result in less than substantial harm to the heritage assets and furthermore, it is acknowledged that there would be some public benefits associated with the scheme, by virtue of the unused parts of the building being brought back into a viable use through their conversion.

As a result of the amended design, there are considered to be no significantly harmful impacts on the Listed Building or its setting and as a result of the siting of the building, it would not be prominent within the conservation area and as such its character would be preserved.

In consideration of the above, and on balance, the historic significance of the heritage assets would not be harmed and the development would accord with the principles of Paragraphs 131, 132, 137 and 141 of the National Planning Policy Framework. The proposal would also comply with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies D1 (Design of new development) and He1 (Conservation and Enhancement of North West Leicestershire's historic environment) of the adopted Local Plan.

### Impact upon Residential Amenity

Concerns have been raised within the letter of representation that the proposal would result in unacceptable impacts upon the residential amenity of occupants of the bungalows to the west, situated on Hillside Court, by way of privacy, loss of light and overshadowing and on grounds of the development being oppressive.

Whilst the residential amenity of No. 7 Hillside Court may be very slightly impacted upon by virtue of their proximity to the proposal, No.6 Hillside Court would suffer some degree of harm, particularly in the morning. The rear garden/yard area of this property faces east and flanks the application building. There are a range of openings within the rear elevation of this property, some of which would serve habitable rooms.

There is a separation distance of approximately 3.5 meters between the northern most corner of this dwelling and the application site, and 6 meters between the southern most corner of this dwelling and the application site. There is a stone wall of approximately 1.8 meters in height which forms the common boundary between the building subject of this application and the dwelling. The application building also occupies a higher ground level than the dwellings on Hillside Court.

The existing garage block is situated within close proximity of the common boundary, and runs parallel to it. The overall height of this building is to be raised from just under 5 meters to 6 meters and its eaves is to be raised from approximately 2.3 meters to 4.8 meters. These changes would result in the building being slightly more overbearing than existing however, on the basis of the existing circumstances and orientation, the dwelling in question would already suffer from such impacts, and on balance, further impacts over and above those existing are not considered to result in a material level of harm that would warrant refusal of the application. In terms of overlooking, two rooflights are proposed in the roof facing towards No.6 Hillside Court. These would serve a stairwell and a galleried area. As a consequence of these openings serving non-habitable areas and being positioned where views would be restricted, they are not considered to result in any materially harmful impacts in terms of overlooking.

Two new openings, to provide the required fire escapes have been proposed in the rear elevation of the coach house. These may have views over No. 6 Hillside Court and the dwelling known as Hillside. To ensure these openings would result in no further harm in terms of privacy and overlooking, their design has employed a mechanism to ensure they open solely in the event of a fire. A condition will be imposed to secure the design of the fire escapes.

On balance, although it is accepted that the increased height of the building would result in some further overbearing impacts, when considered against the existing circumstances, which are far from ideal, it is not considered that the additional harm caused would be of a level that would warrant refusal of the application. There are no other materially harmful impacts raised that would result in the scheme being unacceptable on grounds of residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan.

## Highway Considerations

The County Highways Authority have raised no objections subject to the imposition of conditions.

The site is accessed via two accesses off Main Street/The Delph and no changes are proposed to either of these access points.

Whilst the County Highways Authority have commented that the existing accesses would not strictly comply with their Standing Advice, on balance they would not seek to resist the application on the basis that the Delph is a lightly trafficked road, there is sufficient space at the junction of The Delph and Main Street for vehicles entering the Delph to wait on Main Street whilst vehicles exist the site, should this be necessary and on the basis that the proposed use would only generate a minimal increase in traffic.

It is accepted that the parking layout proposed would be acceptable and a condition is recommended to secure this.

Paragraph 32 of the NPPF advises that applications should only be refused on highway grounds where the cumulative impacts are severe. On the basis of the above discussion, it is considered that the proposal would not conflict with the principles of this Paragraph or the aims of Policy IF4 or IF7 of the adopted Local Plan. Therefore on grounds of highway safety, the proposal is considered acceptable.

## Other Issues

As the proposed units of holiday accommodation would fall within Class C3 of the Town and Country Planning (Use Classes) Order 1987, they would benefit from permitted development rights. Given that the buildings are Grade II Listed or in the case of the garage, curtilage Listed and are situated within the Conservation Area, in the interests of preserving the character of the Listed Building, its setting and the Conservation area, it is considered necessary to impose a condition removing permitted development rights.

## Conclusion

The principle of tourist accommodation within the settlement boundary of Breedon on the Hill is considered acceptable. The proposal is not considered to have any significant detrimental impacts in terms of design or on character and appearance. Although there would be some harm caused as a result of the increased height of the ridge and eaves line of the existing garage block, when considered against the existing circumstances, this issue alone would not warrant refusal of the application and there are no other significantly harmful impacts in terms of residential amenity. Furthermore, there are no highway safety concerns. It is considered that the proposal would preserve the character and appearance of the Conservation Area and would not harm the Listed Building or its setting. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

**RECOMMENDATION - PERMIT subject to the following conditions:-**

1. Timescale
2. Approved plans
3. External materials
4. Windows and doors
5. Details of fire escape doors
6. Parking and turning
7. Holiday accommodation only
8. Permitted development removal

Conversion and extension of outbuilding and garage block  
into five residential units for holiday accommodation

Report Item No  
A4

Breedon Hall Main Street Breedon On The Hill Derby  
DE73 8AN

Application Reference  
17/01580/LBC

Applicant:  
Mr And Mrs Charles Meynell

Date Registered:  
12 October 2017

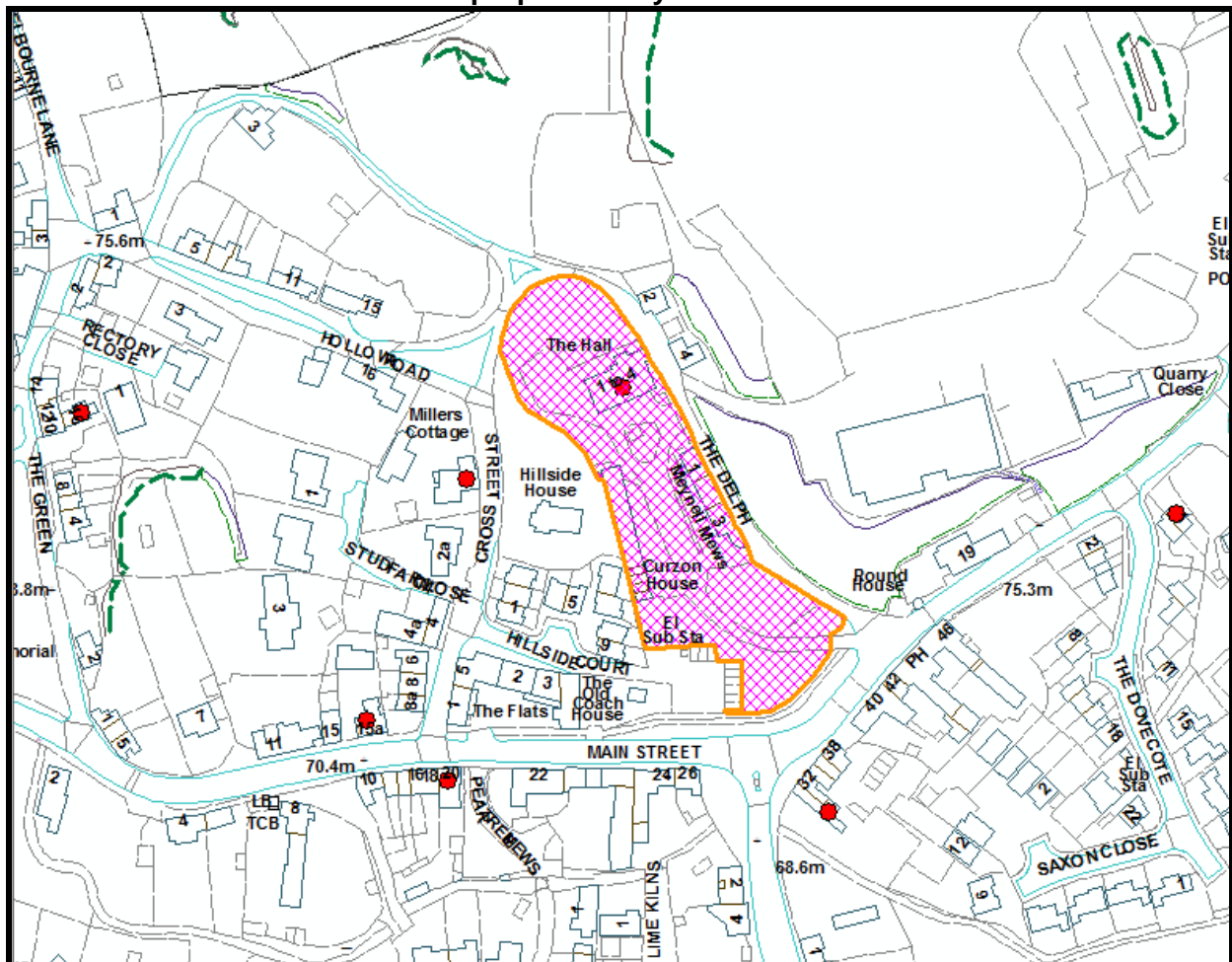
Case Officer:  
Eleanor Overton

Consultation Expiry:  
7 February 2018

Recommendation:  
PERMIT

8 Week Date:  
7 December 2017  
Extension of Time:  
7 January 2018

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is before Planning Committee as the applicant is related to a serving Councilor, Councilor Blunt.

### **Proposal**

Listed Building Consent is sought for the conversion and extension of an outbuilding and garage block into five residential units for use as holiday accommodation, at Breedon Hall, Main Street, Breedon on the Hill.

### **Consultations**

Two letters of objection have been received by a single objector, the owner of the development of retirement bungalows known as Hillside Court. There are no outstanding objections from any statutory consultee and the Parish Council do not object.

### **Planning Policy**

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan and is also within the Conservation Area.

### **Conclusion**

The principle of new tourist accommodation in Breedon on the Hill is considered acceptable. The key issues are:

- Impacts on the Fabric and Character of the Listed Building

The report below considers these matters, and Officers conclude that the proposal is acceptable on this basis. The scheme meets the requirements of relevant NWLDC policies, the applicable paragraphs of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act

### **RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS.**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**



## MAIN REPORT

### 1. Proposals and Background

Listed Building Consent is sought for the conversion and extension of an outbuilding and garage block into five residential units for use as holiday accommodation, at Breedon Hall, Main Street, Breedon on the Hill.

Breedon Hall is a Grade II Listed Building situated on the northern side of Main Street and to the west of The Delph, in Breedon on the Hill. To the south of Breedon Hall, the central approach is flanked by two detached, two story brick outbuildings. The outbuilding to the west (known as 'Curzon House') is a former coach house, which was partially converted into residential use some time ago and in 1984 was extended to provide four garages. This building is subject of the current Listed Building Consent.

The building sited opposite is a former stable block which has been converted to provide three units of residential accommodation.

The application has been supported by a Heritage Statement. In brief this concludes that the proposals for the conversion works have been carefully considered and that elements of works necessary to the fabric have been kept to a minimum. It is stated that the conversion should serve to enhance the setting, including the approach to Breedon Hall and more broadly contribute towards the preservation and enhancement of the Conservation Area. It is also considered that the conversion will contribute towards ensuring the long-term conservation of the heritage asset in an appropriate way.

Throughout the course of the application, amended plans have been secured to address concerns raised by the Officer and Consultees. These plans have been subject to a full re-consultation.

This application should be read in conjunction with the report for full planning permission ref: 17/01608/FUL which is also reported on this Planning Committee agenda.

#### Relevant Planning History:-

11/01025/LBC - Change of use to C3 (dwellinghouse) and internal alterations - Approved 14th February 2012;

11/01026/FUL - Change of use to C3 (dwellinghouse) - Approved 14th February 2012;

12/01006/FUL - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey extension - Approved 13th February 2013;

12/01007/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (listed building consent) - Approved 13th February 2013;

13/00695/NMA - Non material amendment to planning permission 12/01006/FUL to allow reduction in number of roof windows proposed and removal of existing (non original) chimney previously proposed for retention - Approved 14th November 2013;

13/00677/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (Amended Scheme to LBC 12/01007/LBC to now include removal of non-original chimney and formation of three roof-lights on north east roof plane) - Approved 14th November 2013;

15/00637/LBC - Retrospective application for conversion of unlisted former stable block within curtilage of listed building into 3 residential units including external works and off-street parking - Approved 9th September 2015;

16/00371/VCI - Variation of Condition 1 and removal of Condition 2 associated with planning permission reference 15/00648/VCI to allow for the removal of part of boundary wall (retrospective) and formation of a vehicular and pedestrian access off The Delph with associated brick piers and gates - Approved 12 May 2016;

17/01608/FUL - Conversion and extension of outbuilding and garage block into five residential units for holiday accommodation - Pending Consideration

## **2. Publicity**

7 Neighbours have been notified.  
Press Notice published Derby Evening Telegraph 25 October 2017.

## **3. Summary of Consultations and Representations Received**

### **No objection from:-**

Breedon on the Hill Parish Council

The Council's Head of Building Control originally raised some concerns; however, these have now been resolved through the submission of amended plans.

### **Third Party Representations**

Two letters of representation have been received from the same objector. The objector has written on behalf of Brelade Estates, the company who owns Hillside Court; the development of retirement bungalows situated to the north west of the site.

The following concerns are raised within the letters:-

That the proposal would result in overshadowing and loss of light to the neighboring properties.  
The proposed roof lights would result in an unacceptable level of overlooking.  
The scale of the proposal would result in an oppressive form of development.  
Queries as to why the proposed roof lights are all situated within the westerly aspect of the roof.

## **4. Relevant Planning Policy**

### **Relevant Planning Policy**

#### **The Planning (Listed Buildings and Conservation Area) Act 1990**

#### **National Planning Policy Framework**

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 131 (Conserving and enhancing the historic environment)  
Paragraph 132 (Conserving and enhancing the historic environment)  
Paragraph 133 (Conserving and enhancing the historic environment)  
Paragraph 134 (Conserving and enhancing the historic environment)

#### **Adopted North West Leicestershire Local Plan (2017)**

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

#### **Other Policies/Guidance**

National Planning Practice Guidance - March 2014

## **5. Assessment**

The main consideration in the determination of the application relates to whether the works proposed will preserve the architectural and historical character of the building.

### **Impacts on the Fabric and Character of the Listed Building**

The site lies within the Breedon on the Hill Conservation Area and the coach house and stables subject of this application are Grade II Listed, whilst the more recently added garage block is curtilage Listed, by virtue of its physical connection to the Listed Building.

The proposed development must therefore be considered against section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting, the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."

In relation to the Listed Building designation as a heritage asset, Paragraph 131 of the NPPF requires that in determining planning applications, local planning authorities should take account of, amongst others, the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 134 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Units 2 - 5 of the proposal would be situated within the original part of the building, which was formally a coach house and stables. The original building dated to the mid-late 18th Century, however part of it was raised in the 19th Century and the left gable was rebuilt at some point in the 20th Century. It is also understood that the northern most section of the building was converted to flats in 1986.

Unit 1 would be situated within a modern pitched roof 4 bay garage attached to the southern side of the original part of the building. This was erected in/around 1984. The appearance of the garage block is not in keeping with the design or scale of the attached Listed building.

The design of the holiday lets as originally proposed were not considered acceptable and would have detracted from the historic characteristics of the building, and objections were received from the Council's Conservation Officer on such grounds.

Throughout the course of the application, the design of the scheme has been amended and the first floor extension originally proposed to the garage block has been omitted but to facilitate the first floor accommodation, the eaves and ridge level of the garage building have been raised. The proportions of this part of the building are now more akin to those of the original building and the buildings overall appearance is improved.

Details of the fenestration have also been amended, the proposed glazing has been set in a deep reveal and the number of roof lights have been reduced. Such amendments have resulted in the development appearing more sympathetic and have ensured that the buildings original characteristics have been retained.

Owing to the concerns raised by the Council's Buildings Control Officer, specifically in relation to fire safety, two fire escapes have been inserted into the rear elevation of the building. These have been carefully sited and designed to ensure they do not detract from the original character of the building and would not result in harmful impacts to its fabric. These openings would comprise of butt and beaded painted doors and would replicate the scale of existing first floor opening within the rear elevation.

As outlined above, the Council's Conservation Officer originally raised concerns with the scheme, however following the amendments made, the proposal is now considered to result in less than substantial harm to the heritage assets and furthermore, it is acknowledged that there would be some public benefits associated with the scheme, by virtue of the unused parts of the building being brought back into a viable use through their conversion.

By virtue of the amended design, there are considered to be no significantly harmful impacts on the Listed Building in terms of its fabric or its setting and as a result of the siting of the building, the development would not be prominent within the Conservation Area, and as such its character would be preserved.

In consideration of the above, and on balance, the historic significance of the heritage assets would not be harmed and the development would accord with the principles of Paragraphs 131, 132, 137 and 141 of the National Planning Policy Framework. The proposal would also comply with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy He1 (Conservation and Enhancement of North West Leicestershire's historic environment) of the adopted Local Plan.

It is therefore recommended that Listed Building Consent is granted subject to conditions.

**Other Issues**

The concerns raised within the letters of representation are not material to the consideration of this application for Listed Building Consent, but have been fully appraised within the accompanying application for planning permission.

**RECOMMENDATION - PERMIT subject to the following conditions:-**

1. Standard time limit
2. Approved plans
3. Materials
4. Window door and rooflight details

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Demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure (sizes and design of dwellings amended from previous approval 15/01005/FUL)

Report Item No  
A5

Land At Queens Street Measham Derby

Application Reference  
17/01053/FUL

Applicant:  
Queens Bridge Homes

Date Registered:  
18 August 2017

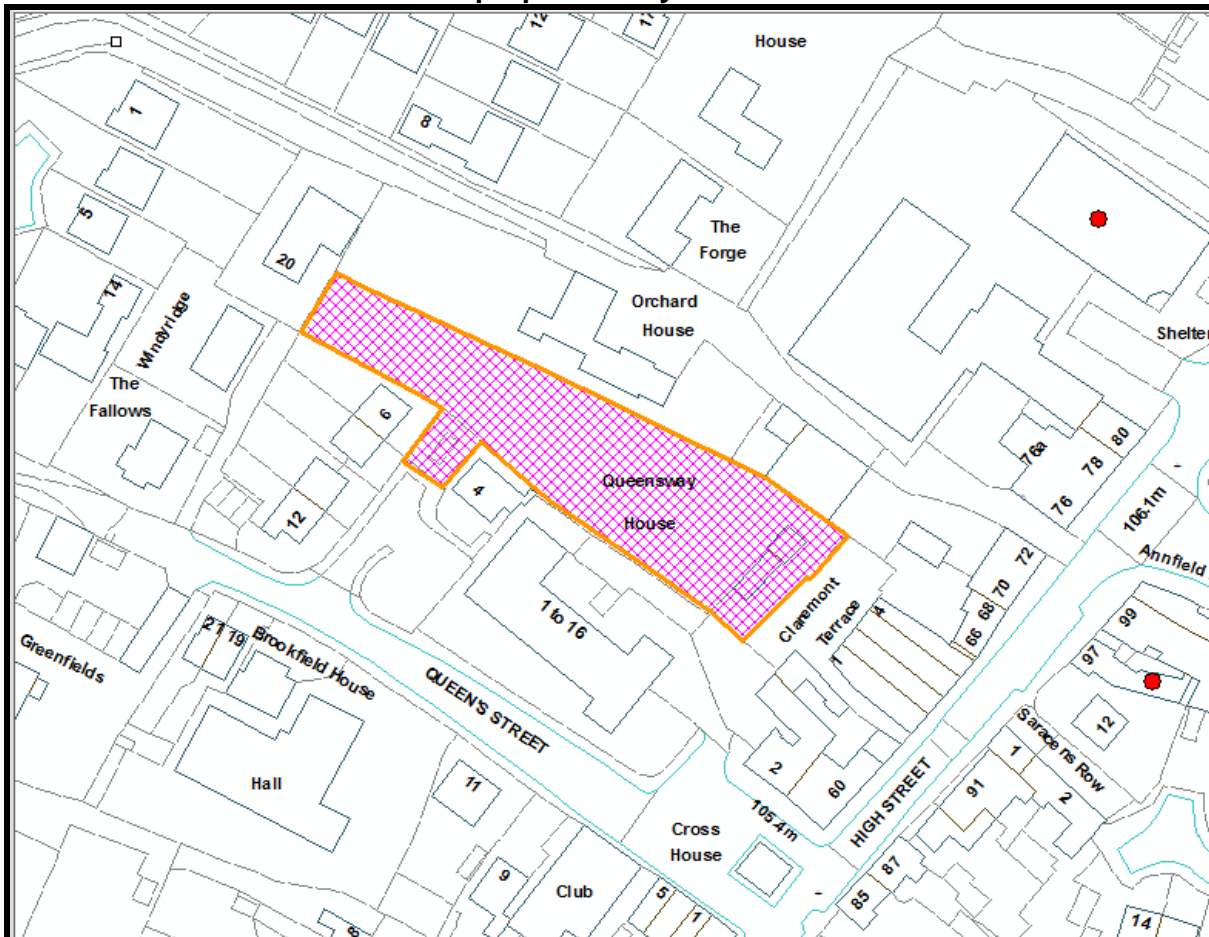
Case Officer:  
James Mattley

Consultation Expiry:  
13 February 2018

Recommendation:  
PERMIT

8 Week Date:  
13 October 2017  
Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Reasons for Approval**

### **Reason for Call In**

The application is reported to the Planning Committee, at the request of Councillor Gill Hoult on the basis that the application is a matter of concern, has significant detrimental effects on residents properties, the proposed access is poor, inadequate parking and the scheme is contrary to policies in the adopted Local Plan.

### **Proposal**

Planning permission is sought for the demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure (sizes and design of dwellings amended from previous approval 15/01005/FUL) at land at Queens Street, Measham.

### **Consultations**

Members will see from the main report below that there are objections raised from surrounding neighbours and objections from Measham Parish Council.

There are no other objections raised from statutory consultees.

### **Planning Policy**

The application site is located within Limits to Development as defined by the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

### **Conclusion**

The principle of residential development is already established and cannot be reconsidered by the application. The key issues arising from the amended application details are:

- Design
- Impact on surrounding residents

The access details are identical to those that have already been approved as are the ownership details and the site boundary. Legal issues regarding boundary disputes are not material planning considerations.

The report looks into the relevant planning issues in detail, and officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD.

## **RECOMMENDATION - PERMIT, APPROVE SUBJECT TO A LEGAL AGREEMENT AND THE IMPOSITION OF CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**



## MAIN REPORT

### 1. Proposals and Background

This application seeks full planning permission for the demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure (sizes and design of dwellings amended from previous approval 15/01005/FUL) at land at Queens Street, Measham.

The following amendments are proposed in comparison to the original approval on the site:

- increasing the depth of plots 1 to 6 by approximately 440mm, and incorporating a bedroom within the roof volume.
- increasing the ridge lines by 150mm.
- plot 7 is to have a bedroom within the roof volume above the garage, and associated velux rooflight to the rear.

#### Relevant Planning History:-

15/01005/FUL - Demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure - Permitted - 16.06.2017.

13/00969/FUL - Demolition of existing buildings and erection of 7 new affordable dwellings, including access and parking arrangements and parking for No. 6 Queen's Street - Refused - 04.09.2014.

11/00378/OUT - Residential development with access off Queens Street (Outline application with appearance, landscaping, layout and scale reserved) - Approved - 07.12.2011.

### 2. Publicity

35 Neighbours have been notified.

Site Notice displayed 30 August 2017.

Press Notice published Leicester Mercury 6 September 2017.

### 3. Summary of Consultations and Representations Received

**Measham Parish Council** raise the same concerns as with the previous application along with the following additional concerns:

- Consider that part of the application site falls within the Conservation Area;
- Increase in height of the properties will overshadow adjacent properties;
- Lack of car parking.

**Leicestershire County Council - Archaeology** raises no objection, subject to the imposition of a planning condition.

**Leicestershire County Council - Ecology** raises no objection, subject to the imposition of a planning condition.

A total of 5 representations have been received raising the following objections:

- there will be extra bedrooms and extra residents;
- lack of parking for the proposed plots;
- concern regarding access road;
- a different scheme incorporating Queensway House would be more appropriate;
- damage to surrounding property;
- impact upon residential amenities;
- concern regarding the developers work on other sites;
- archaeology concerns;
- impact on trees;
- a tree protection plan and suitable boundary treatment is required;
- inadequate and misleading information;
- ownership issues;
- site levels are not shown.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

#### **4. Relevant Planning Policy**

The following planning policy is considered relevant to the determination of this planning application.

##### **National Planning Policy Framework**

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 64 (Requiring good design)
- Paragraph 118 (Conserving and enhancing the natural environment)

**Adopted North West Leicestershire Local Plan (2017)**

The following policies are relevant to this application:

- S1 - Future Housing and Economic Development Needs
- S2 - Settlement Hierarchy
- D1 - Design of New Development
- D2 - Amenity
- H6 - House Types and Mix
- IF7 - Parking Provision and New Development
- EN2 - River Mease Special Area of Conservation
- HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

**Other Policies/ Guidance**

- National Planning Practice Guidance - March 2014
- The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations')
- Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
- River Mease Water Quality Management Plan - August 2011
- River Mease Water Quality Management Plan - Developer Contribution Scheme June 2016
- 6Cs Design Guide (Leicestershire County Council)
- Good Design for North West Leicestershire SPD - April 2017
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

**5. Assessment**

**Principle**

The principle of developing the site for 7 dwellings has already been established by the granting of planning permission 15/01005/FUL which remains an extant planning permission that does not expire until 16 June 2020. The sole issue in the determination of this application is whether the scheme would be acceptable when having regard to the changes that are now proposed to the plans and detailed within the 'Proposals and Background' section of this report.

**Design and Impact upon Heritage Assets**

It was previously concluded that subject to conditions to secure materials, the design approach is acceptable and is reflective of the more traditional properties to the east of the site, on High Street. The previous proposal had an acceptable density and spaces between buildings, adequate amenity spaces, well related parking spaces, suitable proportions and an acceptable appearance. It was not deemed that any harm would arise to the Conservation Area.

The alterations which are proposed as part of this proposal include for plots with an increased depth (0.4m deeper), increased ridge heights (0.15m higher) and additional rooflights. These alterations are not considered to fundamentally alter the design or appearance of the plots and would not alter the previous conclusions reached regarding the acceptability of the scheme.

Overall, the proposal is considered to have an acceptable design that would be in keeping with the character and appearance of the existing property and the surrounding area. In view of the above this development would be compliant with The Planning (Listed Buildings and Conservation Areas) Act 1990, Policies He1 and D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

### **Impact on Residential Amenities**

It is noted that concerns have been expressed from surrounding neighbours and from the Parish Council in relation to overlooking impacts.

Plots 1-6 would include for two additional rooflights located on the rear elevation in order to provide light for the proposed bedrooms within the roofspace. Given the distances between the rooflights and adjacent boundaries and their angled nature within the roofslope, it is not considered that the proposal would result in direct overlooking of neighbouring properties over and above the existing approved situation on the site.

The increase in height of the dwellings by 0.15 metres and increase in depth of 0.4 metres is not considered to result in any significant overbearing or overshadowing impacts upon surrounding residential properties.

Overall, the proposal is not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

### **Highway Considerations**

The access arrangements into and around the site remain unchanged from the previous approved application on the site.

In terms of car parking, the plans still show for dwellings that would have three bedrooms and two car parking spaces each which would be the same as the previous approved application on the site.

As the highway access and parking levels on the site remain unchanged, it is still considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the County Council 6Cs design guidance.

### **Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to paragraph 118 of the National Planning Policy Framework. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

As the scheme proposes 7 x 3 bed units the contribution would be £3,171.00. The applicant has confirmed that they are agreeable to paying the contribution which is to be secured by way of a legal agreement.

The flows from the new dwellings will need to be taken into account against the existing headroom at Measham Treatment Works. At the time of writing there is sufficient capacity for 7 dwellings.

Therefore it can be concluded that the proposal will not, either alone or in combination with other plans or projects, have a significant adverse effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

### **Other**

Issues regarding the impact of the foundations on adjacent properties, ownership matters and the developers involvement in other sites are not material planning considerations and, therefore, have not been considered as part of this assessment. It should also be noted that there is an extant planning permission that already exists on the site for the erection of 7 dwellings.

There are conditions proposed in relation to boundary treatments, levels and to ensure that the existing tree is protected (as there were with planning permission 15/01005/FUL).

### **Conclusion**

The principle of the development has previously been considered acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

### **RECOMMENDATION:- Permit, subject to a legal agreement and the following conditions:-**

1. Time limit
2. Approved plans
3. Levels
4. External materials
5. Boundary treatments
6. Landscaping
7. Hard surfacing
8. Recycling
9. Archaeology
10. Vegetation clearance
11. River Mease soakaways
12. Tree protection
13. Demolition method statement
14. Construction management plan
15. Access and turning
16. Parking
17. Gradient
18. Obscure glass to first floor bathrooms
19. Permitted development rights removal
20. Black utility boxes

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